

STAFFORD COUNTY PLANNING COMMISSION

September 15, 2010

The meeting of the Stafford County Planning Commission of Wednesday, September 15, 2010, was called to order at 6:47 p.m. by Vice-Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Fields, Rhodes, Hazard, Kirkman and Hirons

MEMBERS ABSENT: Howard and Mitchell

STAFF PRESENT: Harvey, Smith, Knighting, Zuraf, Stepowany, Hess, Bullington and Hornung

DECLARATIONS OF DISQUALIFICATION

Mr. Fields: Are there any declarations of disqualification? Alright, then we'll move straight to unfinished business which is Amendments to the Comprehensive Plan. The words Comprehensive Plan and Mike Zuraf have become inextricably linked in Stafford County for all time probably; at least the living memory of those present.

UNFINISHED BUSINESS

1. Amendments to the Comprehensive Plan (**Time Limit: October 20, 2010**) (**In Comp Plan Committee**)

Mr. Zuraf: Good evening Mr. Chairman and members of the Planning Commission; Mike Zuraf, the principal planner with the Planning and Zoning Department. I'm here to talk to you more on a continuation of the efforts to amend the Comprehensive Plan and to get the document ready for a future public hearing. The Commission has received the latest draft of the Comprehensive Plan over this past weekend that's dated September 10th, 2010, with the gray binder now. And also we were able yesterday to get you a second version of the Plan which includes the highlighted changes of the document that have occurred. These represent all the changes that have occurred to the draft Plan since the prior version dated June 17th, 2010. We did provide a memo to you with the delivery of the Plan that highlights some of the major changes to the document. Also, tonight we have included an additional memorandum which identifies some additional suggested changes and we'll get to that; and then also a revised Planning Commission Resolution for authorization of a public hearing for this Comprehensive Plan. But to first go over the memorandum that was provided to you with the Plan this past weekend to go over some of the key points to the changes. Some of these things we've kind of gone over in previous meetings but we've kind of provided it all here in one list. The first point was that the Urban Development Areas since the last have been revised in size and also unit numbers have changed to reflect fewer townhome and multi-family units and correspondingly have shifted over to single-family detached units within the Urban Development Areas.

Mr. Fields: Excuse me Mike. The source for that shift is Steven Fuller's analysis?

Mr. Zuraf: Yes.

Mr. Fields: Do we have that in front of us? I didn't see that; have we been provided with that analysis?

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Mr. Zuraf: That analysis has not been developed yet and finalized. Some of that was based on information provided at an earlier kind of update meeting, subcommittee meeting, of Board members where some of the information was previewed. And it was more so verbally previewed.

Mr. Fields: So the information from Steven Fuller was verbally previewed in a committee meeting and then you've changed the draft of the Comprehensive Plan which... and I'm not shooting the messenger, Mike, I have to say this and a couple of other things. I'm a little perplexed because I sort of figured that at this point in time that the Comprehensive Plan was the Planning Commission's document at this point, that we received it from the committee, the Planning Commission was looking at it, making modifications before it was prepared to recommend it to public hearing. So, I mean, I'm not sure how the line of things go like that; we're handed a document that has revisions... You know, obviously text, minor textural changes or clarifications, recalculating math, that's one thing. That, of course, is a major conceptual change in the nature of Urban Development Areas and how they work. And that's included in a text that we didn't... and we didn't even have the benefit of the verbal analysis to understand that. I guess I'm confused on how that works. Are we being presented with that and now it's up to us to look at that and decide if we want to accept that change? But, see, we're not privy to the analysis. I mean, what was the expectation at this night's session that we do with that change to the UDA?

Mr. Zuraf: Well, the expectation tonight was to receive all the information that was revised as a result of changes recommended by the Joint PC/Board Committee, but then also it does include changes from prior Planning Commission work sessions, some of the things that you all went over. So, the intent then was tonight to receive that information and make any follow-up modifications that you may want to do before it's forwarded onto any public hearing.

Mr. Rhodes: Mr. Chairman? Just curios... do we have a projection as to when Mr. Fuller's analysis will be complete and we'll be able to get a copy of it?

Mr. Zuraf: I'll defer that to Mr. Harvey.

Mr. Rhodes: Okay.

Mr. Harvey: Mr. Chairman and Mr. Rhodes, Dr. Fuller is intending on making a presentation to the Board on the 21st; that's their scheduled meeting for September.

Ms. Kirkman: Mr. Chairman, may I ask Mr. Harvey a question about that?

Mr. Fields: Yes please.

Ms. Kirkman: We had talked before and we had been informed, I thought by staff, that we would be getting a copy of the report prior to having to make any decisions about the Comprehensive Plan. Has... yes, we've discussed that. In fact, the discussion was I think it was supposed to be to staff by last Friday and the discussion that occurred was well, we'd get a presentation on it before we had to make any decision on the Comprehensive Plan, but we might not get a copy of the report until the very last minute. What's the deadline in the contract for the work product?

Mr. Zuraf: I'm not certain what the deadline is.

Ms. Kirkman: Could we find that out? I'm just trying to understand how come we don't have that

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very important document in front of us, particularly given since some substantial change has been made based on that analysis. Mr. Harvey, do you have anything to add?

Mr. Harvey: No I don't.

Mr. Fields: So, as far as we know... has he completed the study and he's just waiting to make the presentation to the Board because that's when the Board meets? Do you know Jeff?

Mr. Harvey: There was scheduled tonight at six o'clock a meeting with the Board committee to discuss the analysis further with Dr. Fuller. That meeting was cancelled so I'm not sure if that changes the timeline but, as far as I know, it's scheduled to be on the Board's agenda for the 21st.

Mr. Fields: Like I say, I mean, I think... my concern, I haven't seen it so I don't know. I think it's a very reasonable concern to say that if we're making a large shift away from one type of housing unit to another, that's fairly large. And it's also fairly common... it's a fairly counter-intuitive shift in the sense that according to at least the analysis... you see, most of the fiscal impact analysis that's in our own Comprehensive Plan tables says that when we're looking at the capital cost of housing, let's just look at the tables that are within this plan. The tables indicate, of course, that single-family homes are more costly to the County in terms of infrastructure, that's why the proffers are higher for them or when we are contemplating impact fees, that's where the impact fees were higher for them. And my understanding, which is just really word of mouth because we haven't had the opportunity to speak to Dr. Fuller or see his work, is that his discovery or his thesis is that single-family homes are actually more beneficial to the County. So, if our own... which essentially, and we're shifting the UDAs based on what we understand his analysis to be but that I'm trying to see how we reconcile if we're supposed to make a decision, how we reconcile that that analysis, his analysis or his perception which has driven the committee to completely change the distribution of housing types, which goes not only counter-intuitive to common knowledge about the cost of single-family housing but contradicts our own document in terms of the cost of single-family housing. I guess I'm just voicing a concern. I'm not sure that we can reconcile that.

Mr. Rhodes: So, Mr. Chairman, might I suggest we just consider... I mean, the fact is, we don't have that here right now and there's an indication... we've got to find out more... but there's an indication that maybe there's a presentation to the Board possibly next Tuesday on it and possibly there will be a report before then that we might be able to get access to, or I'm not sure, but maybe there are other items on here that we can have a more fulsome discussion on it.

Mr. Fields: Sure. Ms. Kirkman?

Ms. Kirkman: Mr. Chair, I had a question about the report itself. And if we could find out sort of what the stipulations of the contract were, I'm sure staff can easily get that information. But I also want to raise more of a procedural issue, and perhaps staff... Mr. Zuraf having been with us for many years... I'm trying to understand how it is. My understanding is the subcommittee passed onto the Planning a draft of the Comprehensive Plan and that their work was done. And in past years, it seems that once the subcommittee passed a draft onto the Commission, the Commission as a whole made changes through, usually through some sort of vote to amend or change. So, I don't understand how it is we can, from week to week without any votes by the Planning Commission, have drafts of the Comprehensive Plan changed so substantially. And so I just want to raise that procedural issue and, Mr. Zuraf, maybe you can speak to what the process in the past has been?

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Mr. Zuraf: Well, I know that what's happening here in this situation was at the last Joint Committee meeting, there was general direction given to staff to proceed with certain revisions. And then in doing that, then we forwarded onto the committee what the changes were, some of the more specific changes, and then we got follow-up feedback from the Joint Committee saying no, we didn't mean that or just this. And so there was some follow-up email exchange to get things clarified as to the exact direction following that last meeting.

Ms. Kirkman: But, as I recall the last time around, once the draft was passed to the Planning Commission, it was the Planning Commission as a whole that dealt with changes, is that correct? Because the committee stopped meeting.

Mr. Zuraf: Right.

Ms. Kirkman: So, there is a big difference in how the process is working this time and, Mr. Chair, I'm concerned about that because this small sub-group is making substantial changes to the draft of the Comprehensive Plan. They're not coming forward as suggestions. What we get is a draft that's already been changed and I do believe the statute is that it's supposed to be the Planning Commission that's preparing the draft of the Comprehensive Plan, not some other sub-committee. That sub-committee, and there's a letter from one of my colleagues, stating that they had completed their work and here was the draft. So, I do think we've got something of a procedural issue here in terms of how these changes are getting made.

Mr. Fields: I agree. I don't quite understand if are these two groups that are simply working independently... I mean, my understanding is that, I mean, it's really in the Code of Virginia that at a certain point that we're charged with developing the Comprehensive Plan, which means that ultimately we have to be able to make the decision... the Planning Commission crafts the document, holds a public hearing, considers the input of the public, makes changes necessary and then forwards that document to the Board of Supervisors. But not that that document, that draft, then becomes amendable by a committee at any point in the process, independent of the actions of the Planning Commission. I'm really kind of at a loss for words. I really don't know what to say. That doesn't really make it possible for us to be working on this if... I mean, technically, does the committee plan to hold future meetings at this point before the Planning Commission's public hearing?

Mr. Zuraf: I'm not aware of any scheduled meetings.

Mr. Rhodes: Mr. Chairman? If I might ask, are the changes that are listed in red, those are the most recent changes and then all the past changes are the ones that are in that faint yellow or orange color?

Mr. Zuraf: That's just who made the change. So the changes are all combined and when different staff makes the changes it's just in different shades as far as the track changes go.

Mr. Fields: So, anything that's in a color other than black...

Mr. Zuraf: Is all changes.

Mr. Fields: I gotcha, okay.

Mr. Rhodes: But is there not a way... I thought this... I don't know if I assumed what program this is in but is there not a way to identify which were the most recent changes based on that last input and feedback you got from the Joint Committee?

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Mr. Zuraf: Well, that's basically all the changes in this document are all the changes since the June 17th version of the Plan. So it kind of is a collection of all their comments and then the legal review comments.

Mr. Rhodes: I believe the discussion was about the changes of just the last couple weeks, rights?

Mr. Fields: Yeah, I believe... I won't speak for Ms. Kirkman... my concern is the changes that have occurred since the last meeting of the Planning Commission that are not changes that we... there are many changes we all recognize as what we did. There are other changes to the document that occurred post last time that we met as a body that now have appeared as an official draft, as a draft document that our body is working on. And yet we have... you know, this is post our decision-making, our last opportunity to make decisions on it.

Mr. Rhodes: The only point that is a little challenged for me is just not knowing which were the changes of the last two weeks if you will. Outside that I'm really of less of a concern; I mean, certainly if there is a procedural point where there not allowed to provide any more input as a committee or as a group... certainly that's important to know if there's some dynamic or procedural law that precludes that... but short of that, it's not as problematic to me because as long as I see where they are and we can decide as a group whether they make sense or not or choose, it is still as has been said here our document to have a final shaping in order to have a public hearing, etcetera, moving forward. The one dynamic is if we can't differentiate the cycle of the timelines associated with which changes are which, but I think that's possible.

Mr. Zuraf: We would have go through and highlight the specific text. A little effort there.

Mr. Harvey: Mr. Chairman? Just to sum up the discussion, as you had stated the statute says that the Planning Commission in this case has to prepare the amendment and send it forward to public hearing. We've had this other Joint Committee that's been involved in the process. Ultimately it will be up to the committee to decide what document you all want to forward to public hearing. So, you can accept the Joint Committee's recommendations or not accept them, somewhat similar to the past process when it was just the Planning Commission committee, and accept their recommendations or not. Ultimately it's the Commission's motion to forward it to public hearing which will set forward what document gets advertised.

Mr. Fields: Sure, okay.

Ms. Kirkman: Mr. Chair? My concern is though that these aren't presented to us as choices to be made, they're handed to us as here are the changes to the Comprehensive Plan.

Mr. Rhodes: And if you feel forced, we still see them...

Ms. Kirkman: Excuse me, Mr. Chair, I wasn't finished. And what's happened in other instances, including with this draft, is when changes have been made to the draft there's been a motion that's been seconded and then either approved or denied by the Planning Commission as a whole. And my concern is that substantial changes are made and presented to us as the draft of the Comprehensive Plan without any of that motion, second and discussion. In particular, for instance, I think one of the things that really raised my concerns about this was getting a draft late on Friday that includes a whole new chapter on Transportation which is a very important subject, and having had no discussion on the Planning Commission about that at all. So, I'm very concerned about the process and how this is

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happening.

Mr. Fields: Understood Ms. Kirkman.

Mr. Rhodes: Mr. Chairman, I would just follow that... actually I thought they did a great job representing. Staff has been involved with us all along for a long time and several of us have been involved in the Transportation committees or different names thereof and I thought they did an extremely good job of actually expanding on it and better representing the work that has happened to date. I don't know if you read through it there, Mr. Chairman, but I thought it was very representative of all the discussions we've had on those various Transportation Committees. So, that was going to be one of my points; I thought they did an outstanding job of pulling out and creating a separate section for that.

Mr. Fields: Okay. Alrighty. So, well, I appreciate everybody's comments on that. I'm still not exactly sure where that leaves us but I guess we'll follow through with Mike's presentation of all the different changes and we'll see what happens.

Mr. Zuraf: Okay. On to point 2 which ties into the first point which the document has included individual maps of all the Urban Development Areas. And that has been basically identified and included with the descriptions of each Urban Development Area and those are reflected through pages 3-19 through 3-39. So, you get a little more detail as to the location parameters of the UDAs which also they include parcel lines underneath so you can get a better idea of where these are. The third point...

Ms. Kirkman: Mr. Chairman, are we discussing these as we go along?

Mr. Fields: I think so. I mean, this is a work session format as far as I'm concerned, unless somebody has a problem with that.

Ms. Kirkman: Mr. Zuraf, I had requested and you had said it wouldn't be possible for tonight, but overlays and I think this would be fairly easy mapping because you've already got the layers done of the layer of the original UDA imposed on the layer of the current UDA so that we could see what acreage has been eliminated. Can we get that?

Mr. Zuraf: Yes, that can be prepared.

Ms. Kirkman: I just want to make sure that's not a particularly burdensome thing to do because those layers already exist, correct, so that would be fairly easy to put together? And...

Mr. Hirons: Mr. Chairman, is Ms. Kirkman asking for that to be added to the Plan?

Ms. Kirkman: No, I'm not; it's for information purposes.

Mr. Fields: For the purpose of information and analysis as a Planning Commission (inaudible).

Mr. Hirons: What does it really provide though?

Ms. Kirkman: Well, it provides me with an understanding of the changes that this committee that has been meeting outside of the public Planning Commission process and gives me a better understanding

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of the changes that they've made and put in this draft.

Mr. Hirons: Okay.

Ms. Kirkman: And, in part, I'm trying to understand the acreage that has been excluded because when I look at these small maps of each individual UDA, it looks as though all the acreage for RPAs, even when they're smack dab in the middle of the UDA, have been excluded; is that correct? Because there's purple lines around the UDAs so I'm trying to understand if the...

Mr. Zuraf: Does the UDA area not include the RPA acreage?

Ms. Bullington: Was that in the build-out or no?

Mr. Fields: I think they vary... as I'm looking at them, Ms. Kirkman, some of them vary. Some of them have the purple line excluding the RPA and some don't.

Ms. Kirkman: And some don't. So we really do need clarification of what got in... that's why I thought the overlay of the two maps would be helpful so we could see what got eliminated.

Mr. Harvey: Mr. Chairman, while Mr. Zuraf and Ms. Bullington are discussing that, continuing onto bullet three, with the suburban areas, the text was revised to reflect single-family residential development at a density of three dwelling units per acre. And then townhouses and multi-family development may occur only where land is currently zoned to accommodate those densities.

Mr. Fields: Is this also partly a result of Dr. Fuller's analysis? Following from the same logic?

Mr. Harvey: No, this was partly a discussion point that we had in another session about what could be allowed in the suburban area and what were the densities that apply across the board. Was it a cap? Was it how did you treat townhouses and multi-family? So it provides further clarification to that.

Ms. Kirkman: So, to make sure I understand correctly, Mr. Harvey, so what the plan now says is that except... so when I look at the Land Use Map that goes with the Comprehensive Plan, how would I know which areas are three units per acre and which cannot be the higher densities?

Mr. Harvey: On the map, the suburban area is three dwelling units per acre recommended. And it's also recommended that they be single-family detached homes for properties that require rezoning. For properties that are already zoned, they can continue to build-out under their current zoning.

Ms. Kirkman: So, is that higher zoning reflected in the Land Use Map?

Mr. Harvey: No, it is not.

Ms. Kirkman: Isn't that a change we need if in fact that's what we're saying with the Comprehensive Plan?

Mr. Zuraf: It gets reflected in the build-out and it's described in the...

Ms. Kirkman: But on the map itself, don't we need the map to depict that since that's what the text of the Comprehensive Plan says?

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Mr. Zuraf: Well, the map identifies your suburban areas and then within the suburban area description it explains more of the details of okay, any new development would be single-family detached, any existing already approved development can be that higher density.

Ms. Kirkman: Right, so it would not be the three dwelling units per acre which is denoted by the yellow. So, shouldn't it be...

Mr. Zuraf: No, the yellow does not only, is not limited only to three units per acre. It's only where there's new development and developable land.

Ms. Kirkman: So how would somebody who's considering buying a property or a home when they came into the Planning office and said "I would like to see the Land Use Map". How would they know which parcels in that big sprawl of yellow are going to be developed at three units per acre and which parcels are going to be developed at fifteen units per acre, based on the Land Use Map which is where you go to look to see what future patterns of development will be?

Mr. Zuraf: Well, you'd have to look at the text description.

Ms. Kirkman: But the text description wouldn't tell you which parcels.

Mr. Zuraf: No, no it would not.

Ms. Kirkman: So how... again getting back, when I bought my house I went and looked at the Land Use Map in the Planning office. How would somebody wanting to know what the future patterns of development would be around the property that they're considering or that they currently own, whether it's going to be three units or fifteen units by looking at the Land Use Map?

Mr. Zuraf: They would not.

Ms. Kirkman: They would not.

Mr. Zuraf: No. You'd have to go to the zoning map.

Mr. Hirons: I was going to ask, wouldn't the Zoning office direct that future resident to the zoning map as well that really gives the real detail of what the planned zone is or what could be developed by-right?

Mr. Zuraf: Yes.

Ms. Kirkman: Is there any reason why we can't, on the Land Use Map, designate which ones are going to be the higher densities? Is there any technical reason why that can't be done?

Mr. Zuraf: It's not a technical reason; it would be more of a policy decision I believe...

Mr. Hirons: If I'm not mistaken, didn't we go to a more generalized map because of State Code, how it describes the purpose of the Comprehensive Plan to be general in nature?

Mr. Harvey: I believe that's one basis for where the committees are initially going. Also, there was some question about flexibility for compliance with the Comprehensive Plan as we have some issues

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with our current Plan in that if you have an institutional use that's not currently reflected in our current Comp Plan. So the questions are you out of compliance, this Plan also acknowledges maybe the need for commercial uses to serve neighborhoods so it gives some flexibility that they may be located near neighborhoods provided they are in scale and do not have negative impacts to those neighborhoods. The overall concept of this Plan is more broad in general and provides more flexibility for determining future land use than the current Plan does. But to get back to Ms. Kirkman's question, again, that's a policy issue; if the Commission feels that it's more important to have the land use be more closely aligned with the zoning map, that's something that could be done.

Ms. Kirkman: Well, Mr. Chair, I would in fact propose that because in this instance, the future land use definition explicitly includes the zoning of existing park... the current zoning, and that's not true of all future land uses. But, in this instance, the text of the Comprehensive Plan in referring to the suburban area, specifically says that the current zoning for higher densities will determine the future use. So, in that instance, I do think to make sure that our future Land Use Map accurately reflects the text of the Comprehensive Plan, we should find some way to do that.

Mr. Fields: So, are you proposing that we create a separate category within the suburban area that shows existing higher density zoning?

Ms. Kirkman: Sure. I mean, staff could come up with some name like high density suburban to reflect those...

Mr. Fields: It's almost on the current Land Use Map, most of that stuff is on the current Land Use Map reflecting the higher density, stuff that's already zoned, right, R-2 and R-3?

Mr. Zuraf: Generally.

Mr. Fields: Generally. I mean, I know it's not exactly a zoning map but it's kind of reflected in that, right?

Mr. Zuraf: Yes.

Mr. Fields: Because we have the three... in the current Land Use Map we have the three suburban categories, right?

Mr. Zuraf: On the current Land Use Map you have the urban, suburban and those are the main...

Mr. Fields: Right; urban residential and suburban residential and rural residential.

Mr. Zuraf: Right. And agricultural.

Mr. Fields: And agricultural, right. Well, it's a valid point. Any dialect from anybody else on the Commission about that? About whether we want to... I understand and a long time ago when I was involved in the first sort of attempt to at least update the Comprehensive Plan, I mean, I understand the logic between being general in nature, there's no question about that. And I've always thought that the '88 Comp Plan was way too detailed in terms of trying to predict something that was relatively unpredictable and fluid. However, I do think Ms. Kirkman has a valid point in that since there's a lot of vested zoning already in Stafford, my concern would be that we don't, that the impression of this be general in nature but not be necessarily misleading about what the future of the County is. I mean,

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there's not really a tremendous amount of R-2 and R-3 vested that hasn't been built that I know of. Do you Jeff or Mike? I mean, just really off the top of my head, I may be completely wrong.

Mr. Zuraf: There are a few projects out there that still have yet to be...

Mr. Fields: I mean, there's some but it's not a lot. I know that's a very vague term, a lot.

Mr. Harvey: I can think of two large projects R-2 zoned.

Mr. Fields: Two large projects? Okay.

Mr. Harvey: Colonial Forge and the Rappahannock Landing Projects.

Mr. Fields: Rappahannock Landing; sure, that's a pretty substantial project.

Mr. Harvey: But there are maybe some other smaller parcels that are not developed yet.

Mr. Fields: Yeah.

Mr. Rhodes: Mr. Chairman, at this point, I don't see the need for what Ms. Kirkman was suggesting. Certainly when we get to the final text or where we're convinced we're at the final text, the language, if this is it and if there's a strong belief by the members that it would be necessary, I might think differently. But I just don't see it at this point, not at this stage personally.

Mr. Fields: Okay, anybody else have a thought on that?

Ms. Kirkman: I would only conclude, Mr. Chair, that I do think it's important for the future Land Use Map to accurately reflect the text of the Comprehensive Plan. And, in this instance, the text of the Comprehensive Plan very clearly states that it will be three dwelling units unless it's already zoned for something higher. And I really do believe citizens ought to be able to go look at one map and understand what the future development around them could be. And that's why I think it's important.

Mr. Fields: I think in a County like Stafford you have a continual problem when you're trying to set a plan for the future. When you have a great deal of huge amounts of vested zoning from past decisions, it's hard to do a Comprehensive Plan. Alright, let's go...

Ms. Kirkman: So, I guess at this point, you know, since the process is still a little fuzzy, I guess that's the motion that I would make.

Mr. Fields: You make a motion that we develop a way of denoting higher than three dwelling unit per acre vested zoning in the suburban category?

Ms. Kirkman: Yes, that's my motion.

Mr. Fields: Okay. Is there a second? I'll second it. Alright, discussion? No discussion? Okay. All those in favor of the motion signify by saying aye.

Ms. Kirkman: Aye.

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Mr. Fields: Aye. Opposed?

Mr. Rhodes: No.

Mrs. Hazard: No.

Mr. Hirons: No.

Mr. Fields: Alright, the motion fails 2 to 3. Alright, moving on. The next... I guess we're on this page with the bullets?

Mr. Zuraf: Right, and going back to the issue with the UDA and the question about the Resource Protection Area. The Resource Protection Area *is* included within the limits of that area, in the acreage that is designated within each UDA.

Ms. Kirkman: Okay. Then why are there purple UDA boundaries around the UDAs?

Mr. Zuraf: Well, I guess it's to clearly show where the UDA is located and then it does identify where the Resource Protection Area is.

Ms. Bullington: I can clarify that. The table of 3.3, the acreage that is listed does not include the RPA and...

Ms. Kirkman: Could you give us a page number on the marked up...

Ms. Bullington: That's going to be 3-54 I believe.

Ms. Kirkman: Okay. We're working off the marked up; we have different page numbers.

Ms. Bullington: It's table 3.3; do you know Mike?

Mr. Fields: Is it in the other draft?

Mr. Zuraf: Three-fifty-nine.

Ms. Kirkman: Thank you Mike.

Mr. Fields: In the marked up?

Mr. Zuraf: Yes.

Mr. Fields: Thank you.

Ms. Kirkman: So, inside the Urban Services Area where it says Urban Development Area, that 4,956 does not include the RPA?

Ms. Bullington: It does not.

Ms. Kirkman: So, that 700... I think it was like 753 acres of RPA... is that what was part of what this

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other committee eliminated, Mr. Zuraf, when they reduced the size of the UDAs?

Mr. Zuraf: The RPA, when it came into play in the adjustment of the UDAs, I think it was focused on developable area.

Ms. Kirkman: So when we discussed doing the maximum potential build-out, we talked about having a similar methodology in that the UDAs included the acreage for the RPAs because that acreage for RPAs can be used to calculate the maximum density? So why has it now been excluded in this table 3.3?

Mr. Zuraf: I think, because in that table 3.3 you're basically going on a projection which goes along with the 14,661 dwelling units.

Ms. Kirkman: So, in previous versions of this table 3.3, that it was even on growth projections it had the RPA listed separately? Why was that eliminated from this table entirely?

Mr. Zuraf: It was all grouped into one number at the...under other, you have Resource Protection Area, park, so it all gets placed there.

Ms. Kirkman: Well then, since this committee in whatever process it has changed the draft that the Planning Commission is working on, I would like to see that 4,340 acres of RPA, I would like to know how much of that is in suburban, urban, each of these uses inside and outside of the Urban Services Area.

Mr. Zuraf: Basically what land use designation that each... the acreage of RPA that falls underneath each land use designation.

Ms. Kirkman: That's correct.

Mr. Zuraf: Where does it fit.

Mr. Rhodes: Mr. Chairman? Just to clarify, is that what was outside and inside the Urban Services Area?

Mr. Fields: I think that's all... that 4,340 is all inside the Urban Services Area?

Mr. Zuraf: That's all inside. And then outside on the next page.

Mr. Rhodes: And then 17,704 is outside?

Mr. Hess: Correct.

Mr. Rhodes: Yeah, 17,704 on the second page.

Mr. Fields: Yeah, 17,704 in the ag area is.

Ms. Kirkman: And that's all... everything that's outside the Urban Services Area falls within the agricultural, is that correct?

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Mr. Zuraf: There may be some that falls under park; there is some park area outside.

Ms. Kirkman: Okay.

Mr. Fields: Park or agricultural then.

Mr. Zuraf: Right.

Ms. Kirkman: Okay. Mr. Chair, we may have to...

Mr. Hirons: Can we get clarity on what you just asked for and is that going to be included in here?

Ms. Kirkman: I asked for the information. That information was included in here in previous drafts. I don't know why it was taken out on this one. But... are you on that committee? Maybe you could speak to why that particular number got taken out of this table.

Mr. Rhodes: What number?

Ms. Kirkman: So in previous versions of table 3.3, Land Use Map Growth Projections, the RPA was listed in each of the areas.

Mr. Rhodes: You mean suburban, urban, business industry?

Mr. Fields: And UDA.

Ms. Kirkman: Yes.

Mr. Rhodes: So on page 3-57 where it says Resource Protection Area of 2882, Resource Protection Area 753 for urban, Resource Protection Area 374 for business industry, making 4,054; is that the numbers you are talking about?

Ms. Kirkman: So... yes. And as you will see, that's that table that was eliminated by the committee between our last meeting and this meeting. And instead we have the table that's on page 3-59. And that's what I'm trying to understand is why we don't have that.

Mr. Rhodes: Mr. Chairman? So, the committee prepared the detail on this chart? Every line entry?

Mr. Zuraf: No.

Mr. Rhodes: Okay.

Ms. Kirkman: Who did?

Mr. Zuraf: As far as when the... I guess it was more of how the chart was put in and displayed because I know that as far as in determining build-out, we still follow the same format of including the RPA. If there's RPA on a lot, that was included in the estimation which was the change we did make. It's just not listed under each land use district.

Mr. Rhodes: It's just a formatting?

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Mr. Zuraf: It's just placed at the end of the...

Mr. Hirons: So, you're saying that was a staff change really in formatting. If that was the direction by the committee, I don't remember directing staff to remove it.

Mr. Rhodes: I know we've got a lot of conspiracy theories.

Mr. Zuraf: I know the big issue was making sure that the RPA was included when we're designating and determining the future build-out and that was included. So, that's still the way it was done; it's just not listed out under each area.

Ms. Kirkman: But I do recall specifically requesting not that it be, not only that it be listed out in each land use area but that the amount of acreage go back into each UDA. And I know we had that discussion. So, one way or the other, I would still like to see those numbers in terms of... because the acreage has also changed on the UDAs so we can't just take the RPA from the eliminated table 3.3 and apply it to the new table 3.3 because acreage has been shifted around. So I would like to know, for each of the categories that are listed inside the Urban Service Area, including specific to the UDAs, how much of that acreage is... how much RPAs goes with each of those areas.

Mr. Zuraf: Okay. And one other reason for kind of singling that out is the Resource Protection Area is a unique land use designation on this map, so it's not like it's part of suburban. Yes, it's located adjacent to it but it's its own unique land use designation. That was the reason for identifying its own acreage.

Ms. Kirkman: Well, thank you for sharing that thinking but you should be able to get those numbers to me, correct?

Mr. Rhodes: Mr. Chairman, I don't think that tone is really... I mean, there are such a number of unclear requests made left and right of the staff. You just made four different sets of the same question. I'm not quite sure I'm following any of them. I think we should be very clear and not causing redundant work by the staff.

Ms. Kirkman: Mr. Zuraf...

Mr. Fields: Let's resolve this and then we have to move onto the public hearings.

Ms. Kirkman: Mr. Zuraf, all I'm asking, and I'm sorry if it wasn't clear, but I want to check with you, Mr. Zuraf. Are you clear that what I'm asking for is that we see for instance of that Resource Protection Area, 4,340, how much of that is in the north suburban, how much is in the south, how much... so for each of those line items, how much RPA is associated with that.

Mr. Zuraf: Yeah, got it.

Ms. Kirkman: Okay. Because I think you have those numbers pretty readily accessible. Thank you.

Mr. Fields: Okie doke. We have to pause this now. We have hit the seven-thirty; actually I apologize. We've gone a couple minutes past the seven-thirty mark. We'll pause the discussion on the Comprehensive Plan, take that up after the presentations by the public and the public hearings scheduled for tonight, as is our process, and then move down the rest of the agenda. Fortunately, with

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Gordon and Ken not here, I can put all my stuff... I have this vast area to sprawl into. When I start to knock Ms. Kirkman's stuff off then I know that I've gone a little too far.

Ms. Kirkman: We'll just call that urban density on the Planning Commission.

2. COM1000041; Comprehensive Plan Compliance Review - Telecom Tower - AT&T @ Mountain Avenue - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for a second telecommunication facility, located on the west side of Mountain Avenue approximately 700 feet north of White Oak Road on Assessor's Parcel 54-45A within the George Washington Election District. **(Time Limit: October 17, 2010) (History - Deferred at August 18, 2010 Meeting to September 15, 2010)**
3. CUP1000042; Conditional Use Permit - Telecom Tower - AT&T @ Mountain Avenue - A request to amend an existing Conditional Use Permit, specifically condition #1 of Resolution R08-480, to allow a second 175-foot tall monopole telecommunication facility in an A-1, Agricultural Zoning District on Assessor's Parcel 54-45A. The property, consisting of 3.62 acres, is located on the west side of Mountain Avenue approximately 700 feet north of White Oak Road, within the George Washington Election District. **(Time Limit: October 6, 2010 - Board of Supervisors Deadline) (History - Deferred at August 18, 2010 Meeting to September 15, 2010)**
4. Discussion of Paving and Travel Lane Width Waivers. **(Time Limit: November 15, 2010)**
5. Discussion of Private Access Easements. **(Time Limit: November 15, 2010)**
6. Discussion of Preliminary Site Plans. **(Time Limit: November 15, 2010)**
7. CUP2900195; Conditional Use Permit - Stafford Lakes Service Center - A request for a Conditional Use Permit to allow vehicle fuel sales in the B-2, Urban Commercial Zoning District as well as within the Highway Corridor (HC) Overlay District on Assessor's Parcel 44-75 consisting of 0.96 acres, located on the north side of Warrenton Road and the east side of Berea Church Road within the Falmouth Election District. **(Time Limit: September 14, 2010) (History - Deferred at June 16, 2010 Meeting to July 7, 2010, for meeting with Mr. Hirons, staff and the applicant) (Deferred at July 7, 2010 Meeting to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010) (Deferred until BZA takes action on pending appeal)**
8. Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) **(Time Limit: October 6, 2010) (Deferred at June 16, 2010 Meeting to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010) (Deferred at September 1, 2010 Meeting to October 6, 2010)**
9. COM1000010; Comprehensive Plan Compliance Review - Miracle Valley Lane Sanitary Sewer Extension - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of gravity sanitary sewer outside of the Urban Services Area a length of 505 linear feet to serve two residences, located on the north side of Deacon Road and east side of Grafton Village Elementary School on Assessor's Parcels 54-132, 54-133A and 54-133B within the

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Falmouth Election District. **(Time Limit: July 4, 2010) (History - Deferred at May 19, 2010 Meeting to June 2, 2010 Meeting) (Deferred at June 2, 2010 Meeting to October 6, 2010 Meeting)**

NEW BUSINESS

None

7:30 P.M.

PUBLIC PRESENTATIONS

Mr. Fields: Okay, so at this point, we will go to public presentations. As most of you know, the public presentations, just to be clear, we have two things scheduled for this evening. We have public presentations as you can see on the agenda and public hearings. Public presentation is a time when you may bring forward, you have three minutes to address the Planning Commission on any topic that you feel is of interest and significance, except the items listed for public hearing. So, if you wish to speak on any item other than items number 10, 11, 12 and 13 scheduled for public hearing, now is the time to do so. You step forward to the podium, you state your name and address for the record, the lights go on, you'll see a system of lights there. The green light means that your time starts, the yellow light means you have about a minute left, the red light is an indicator to please conclude your remarks as soon as possible. Everybody has three minutes. And so with that, is there anybody that would like to address the Planning Commission?

Mr. Fetterolf: Mr. Chairman, members of the Planning Commission, Dr. Dean Fetterolf. This Plan, in development since 2006, has undergone significant revisions since June 17th, *many* not originating with this legally responsible body. It is incredulous that just eight hours before a memo preparing a Resolution to send this Comp Plan to a public hearing, did the public get this version of the Comp Plan to even have a chance to look at it? Here are some initial observations from a very quick glance. Chapter 4 now contains the missing Transportation Plan and the 2005 Transportation Plan is called an Implementation Plan. Has this revision been submitted to VDOT for the Chapter 527 Plans and Capacities Review? Figure 4.1, the anticipated transportations' needs map is dated June 7th, 2005. It's 2010. Table 4.1 lists highway project costs. However, table 4.2 and Appendix H lists no costs. Costs are a VDOT Chapter 527 requirement. Page 4.7 calls for two new VRE stations, one in Widewater... let's call it Widewater, that's what it is; it's not Stafford Station... and Chatham Heights. VRE has no plans for either of these two stations. This one is significant. The maximum land use build-out in Appendix D, page A-27, now shows 61,000 new residential units, not the nearly 117,000 as the June 17th version. The numbers are fudged for lack of a better term. Calling the ten year requirement for 14,661 units the maximum build-out grossly misrepresents the facts. It's plain as day; it's in that table. Page 210 describes the costs of infrastructure for single-family homes in the text as \$92,000. I'd like to know where the proffers and cost of growth table that showed a total of \$168,172 which was in the July 28th revisions before it was yanked and replaced with a new table after the meeting. Chapter 5, entitled the Public Cost of Growth and Development, does not adequately address the cost of growth. Finally, Appendix G, Public Input, only lists 2006 public input focus groups and surveys simply because there's been no 2010 public input. This body is legally responsible for the Comprehensive Plan. The changes that are being forced down your throats question that system.

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Mr. Fields: Thank you. Next.

Mr. McMath: The discussion here, week before last, about the September 1 build-out numbers for the Comp Plan makes one wonder if we have forgotten why we are planning. Everybody appeared to think that since the numbers had no time limit on them, they had little relevance to a ten or twenty year planning horizon. It was even suggested that it may never happen. If so, then why are we planning for them? Why are we seriously considering a plan that will result in a land use map that at build-out produces results we don't think will occur? When I worked on long range planning in both the public and private sectors, we planned for what we wanted to happen. We set goals, then we planned to achieve those goals. It never occurred to us to plan to achieve something we thought was irrelevant to the planning cycle. In land use planning, the goal will necessarily address changes caused by growth. If a build-out accurately reflects the growth based on an adopted land use map, then the question to ask is do we want to see that happen in twenty years? If it can happen at all for planning purposes we must acknowledge we have no way of knowing if it is more likely to take place within twenty years or beyond. So we must consider the consequences of a full build-out occurring within the twenty year planning horizon. Would those results be fiscally sustainable? Would they allow efficient transportation? Would they preserve our environment? If not, then what should our goal be for that period and how should we plan to make it happen? An important difference here is that the goal is a maximum, not a minimum. Contrary to achieving a return on an investment as a minimum, for example, we want a level of growth as a maximum. If the state population projections for Stafford represent a reasonable sustainable growth for twenty years, then we should plan to achieve that level of growth and no more. If we adopt a plan with an unsustainable residential build-out numbers and/or unachievable non-residential numbers, we will not be planning; we will be dreaming. Thank you.

Mr. Fields: Thank you sir. Next.

Ms. Reed: Good evening Commission members and staff. I read the write-ups in the Stafford Sun about the town halls that were held two weeks ago. I attended one of these and I talked to others who had attended both. There was not support for the 2010 Plan from those in the audience. And you can add my name to the growing list of taxpayers who don't want to see 109,000 new houses over any period of time. Now, I realize that number is changing. It's very hard to get your hands on what the number is at a particular time, but I'd ask that you please not adopt the 2010 Land Use Map that could be built out at such a figure. The 2008 Plan handily deals with the population forecast of 30,000 new homes. The 2010 "growth forecast" has absolutely no way to control the growth or put it where you say on the chart. The most notable deficiency is controlling development in the rural areas. The 2008 Plan is conservative and it doesn't take unnecessary risks just to make developers happy. One suggestion that came out at Mr. Snellings' town hall was to put the UDAs in an already high density area such as Route 610. Why not mark all of Route 610 as a UDA? I think that this is the strategy that other communities are using. The Peter J. Smith firm was hired in 2006 to manage the Comp Plan revision. And their first draft of the Comp Plan showed how to convert Stafford Marketplace, which is on 610, to a mixed use development. I passed out copies of this and it shows on it the award winning urban sprawl repair kit so you can see an example of this. You can see how to take a drive-thru restaurant and make it part of Main Street with liner buildings. And you can see a McMansion that's been converted to senior housing when a five bedroom, three car garage yields a ten room, nine bathroom facility for seniors and a caretaker. Please consider some of these alternatives; they're very innovative. Thank you.

Mr. Fields: Thank you Ms. Reed.

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Ms. Kurpiel: Good evening Mr. Chairman and members of the Commission. My name is Patricia Kurpiel and I have a one slide presentation for you tonight. I am very discouraged that this Commission and the Board would put together a build-out, a future build-out of 117,000 units. And I think part of that problem, that number, is exacerbated by the inclusion of eight or nine UDAs. And my question to you tonight is this: why do we have eight or nine when a fewer number might suffice? And so look at my chart if you would please. I've listed or I've just looked at two UDA's, Southern Gateway and Courthouse. And the first two columns show acreage and in column one you can see there's 550 and 312 acres for each of those two projects, or 862 acres planned. But when I went and looked at the million dollar redevelopments plans that we all contributed to, guess what? A lot more acres. As a matter of fact, those plans call for 3,168 acres. So that made me ask the question, well how many acres are needed in total? And I went to the latest schedule in this Comp Plan and, if we allocate a third to single-family, a third to townhouse and a third to multi-family, we need 3,017 acres. That means we're only 151 acres short if we just put two of the areas that we've already studied into our Plan. That's just the acres. What about the number of residences? Column number 3 there, the total shows that there are 2,532 residences that you all have on your latest schedule. But the redevelopment document calls for 7,120. Now we're short about 7,500 units. Well, I'm going to suggest to you why don't we just double the number in those two areas? That's basically what I saw one Board member do one Saturday morning when Boswell's Corner got X'd out; we just took the units from Boswell and divvied them up other places. So why don't we do that here? Now, for comparison, I've given you the commercial but I'm not going to speak to that tonight. And I just want to say if those two areas are not enough for you, consider Route 610. I agree with the speaker before me. That's what most communities are doing. They're taking areas that are already built out and redeveloping them. And you know what? If those two ideas don't work, I've got a third idea for you. Tell the General Assembly that we spent a million bucks studying this and it just can't be done. One size does not fit all. Thank you very much.

Mr. Fields: Thank you ma'am. Is there anybody else that wishes to address the Planning Commission on any topic other than the public hearings? Alright, seeing no one coming forward, I will close the public presentation portion. And now we will move into the public hearings. It looks to me, fairly obvious, that number 10, 11 and 12 are all referring to the same property so I will combine the presentation and public hearing on those, if there are no objections.

PUBLIC HEARINGS

10. COM1000090; Comprehensive Plan Land Use Amendment - Fairfield Inn and Suites - A proposal to amend the Land Use Plan component of the Comprehensive Plan in accordance with Section 15.2-2229 of the Code of Virginia (1950), as amended. The proposed amendment would redesignate Assessor's Parcels 30-2C, 30-2D, and 30-5 from Urban Residential use to Urban Commercial use. The subject area consists of 5.34 acres and is located on the east side of Jefferson Davis Highway and the west side of Derrick Lane, approximately 2,000 feet south of Garrisonville Road, within the Aquia Election District. **(Time Limit: November 14, 2010)**
11. RC1000091; Reclassification - Fairfield Inn and Suites - A proposed reclassification from R-1, Suburban Residential Zoning District to B-2, Urban Commercial Zoning District to allow the construction of a hotel on Assessor's Parcels 30-2C and 30-2D. The subject area consists of 1.48 acres and is located on the east side of Jefferson Davis Highway and the west side of Derrick Lane approximately 2,000 feet south of Garrisonville Road, within the Aquia Election District. **(Time Limit: December 14, 2010)**

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12. CUP1000092; Conditional Use Permit - Fairfield Inn and Suites - A request to amend an existing Conditional Use Permit, specifically condition #1 of Resolution R05-225, to allow two hotels (one existing and one proposed) within the Highway Corridor (HC) Overlay District on Assessor's Parcels 30-2C, 30-2D, and 30-5. The subject area consists of 5.34 acres and is located on the east side of Jefferson Davis Highway and the west side of Derrick Lane approximately 2,000 feet south of Garrisonville Road, within the Aquia Election District.
(Time Limit: December 14, 2010)

Mr. Hess: May I have the floor computer please? Thank you Mr. Chairman. Good evening Planning Commission members. Staff brings to you tonight Fairfield Inn and Suites. As mentioned, it's item 10, 11 and 12; it's a Comprehensive Plan Amendment, Reclassification and a Conditional Use Permit. The first item is the Comp Plan Amendment. The applicants are Nad Gillani and Stafford Town Place LLC. The parcels affected by the Comp Plan Amendment are Assessor's Parcels 30-2C, 2D and 5, for a total acreage of 5.34 acres. The location is on the east side of Jefferson Davis Highway west of Derrick Lane and approximately 2,000 feet south of Garrisonville Road. The request is to amend the current Land Use Map designation from Urban Residential to Urban Commercial. Here is a map comparison; the maps were provided by the applicant. On the left you can see the existing current Land Use Map showing in the brown is the Urban Residential designation and on the right, to change it to orange which is your Urban Commercial land use designation. Here is an aerial photograph shot of the area. As you can see, here is the existing hotel on parcel 30-5. The proposed hotel would go on... sorry, actually the arrow should be over in this direction right here on parcels 30-2C and 2D, those two that are highlighted right there in the red. As you get yourself familiar with the surroundings, you have residential development to the east which is off of Derrick Lane, you have Aquia Town Center to the north, and then you have Aquia Park to the west. And you have a church, I believe it's Colonial Baptist Church, down here to the south of the existing hotel, and some vacant property right here the church owns as well. Again, the request is to allow two hotels, one existing and one proposed, to fall compatible with the proposed land use designation. The existing hotel, as pointed out earlier, was there was a CUP that was granted in 2005. The Comp Plan Amendment case was held to certain evaluation factors. These are the six of them: this is land use, natural resource, transportation, utilities, schools and parks and recreation. The first one being, again, the Land Use Map as you can tell again the Urban Residential designation is in brown. The current urban land use would allow for higher density residential units such as single-family detached... excused me, single-family attached townhouses and multi-family units, apartment units or condos. It would allow approximately seven units per acre or higher if requested by an applicant who is trying to rezone the property. Under this current scenario, we took about half of the overall properties, about 2.6 acres, and said the most that could happen under the Urban Residential designation if someone were to rezone to a higher residential zoning district would be approximately eighteen multi-family units. Noise and visual impacts. There is the potential for noise impacts with the change with an increase of traffic due to the construction of the second hotel. The proposed hotel is located somewhat closer to the existing residential uses off of Derrick Lane. Portions of the proposed hotel would be visible to the residents from Derrick Lane and the applicant indicated that the parapet walls used to screen the electrical equipment on top of the hotel would be visible and portions of the fourth floor would be visible to citizens off of Derrick Lane. Natural resources. The undeveloped portion of the site is partially wooded with severe terrain. It's actually sloping away from Jefferson Davis Highway towards Derrick Lane. The site would have to be heavily graded in order for the second hotel to be built. It was discussed in the report the hotel is somewhat going to be situated in the steep terrain as it goes further back. The applicant is proposing to build a retaining wall on the north side, the south side and the east side of the proposed hotel in order to be developed in that steep terrain. Here is a picture facing south. As you can see, over here, facing south, this is Route 1 right here. Here is the existing hotel. There is

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the sidewalk that's already been built and you can see that it begins to... the grade, the terrain goes up rather quickly and rather steep as you get away from Jefferson Davis Highway. And Derrick Lane is way back here and there is tree vegetation as you go up the terrain towards Derrick Lane. Transportation. There is an existing signalized intersection which both hotels would be able to utilize. The traffic will increase approximately 740 vehicle trips per day which this does not warrant a traffic impact analysis or traffic impact study with the proposed hotel which would go approximately in this area over here. Again, you see the steep terrain and then you see the existing vegetation. There would be a proposed right-in/right-out in front of the hotel off of Jefferson Davis Highway. Currently, Jefferson Davis Highway, as you can see, is a four-lane undivided road. The Transportation Plan calls for a six-lane divided road. When the applicant got their CUP approval back in 2005 for the existing hotel, they dedicated the necessary right-of-way which is approximately sixty-six feet from centerline to accommodate for the six-lane upgrade. The other utilities and facilities under this proposal, the second hotel would utilize existing water and sewer lines on site. Increased demand would be handled by the existing lines there. Schools; there would be a potential decrease on future demands for schools. Again, since this is being rezoned to a commercial use as opposed a residential use, we calculated that with eighteen multi-family units that there would be a decrease of potentially seven students on the schools. And then again there would be a decrease in demand for the parks. In summary, staff found, with the positives, they found this to be compatible with existing commercial uses in the vicinity of this proposal. The existing infrastructure has capacity to accommodate the new proposed hotel demands. Again, there would be a reduction in demand on the schools and other public services. The negatives. Staff found that there would be potential noise and visual impacts on adjacent residential uses; more directly, the residence off of Derrick Lane. So, with that, staff recommends approval of the Comprehensive Plan based on balance. And you have any questions.

Mr. Fields: Do we have questions now or do we want to have the questions all in one? Unless there's a driving question, we'll try to do it all as a whole because I'm sure a lot of this sort of depends on how this all works itself out.

Mr. Hess: Okay, certainly.

Mr. Fields: But if there's no technical questions in the presentation, we'll move forward.

Mr. Hess: Okay. Can I have the floor computer please? Moving into the second agenda item is the Reclassification RC1000091. The request is to do a reclassification from R-1, Suburban Residential, to B-2, Urban Commercial. The purpose is to construct a second hotel, as mentioned before. The parcels that would be affected with this rezoning would be parcels 30-2C and 2D. Both of these are owned by Ned Gillani. This would approximately cover 1.48 acres. Here is the existing zoning map. As you can see, the two parcels under this request are right here. This is 30-5 which is already rezoned to B-2 so all three properties would be consistent with one another. As you can tell, there's commercial property to the north; that's Aquia Town Center. Aquia Park right here to the rest and other commercial properties, I guess, with the church right here is actually on commercial property. And then you have the existing residential uses off of Derrick Lane to the east. The Generalized Development Plan. Looking at it, this is on the south side. This is the existing hotel and the layout with the parking. As you can tell, the parking would be connected so that for the proposed hotel they could utilize the signalized intersection if they are coming down southbound on Route 1, Jefferson Davis Highway, and want to turn left into the site and go up the parking there to get to the proposed hotel. Both hotels, as you can see, are facing onto or fronting onto Jefferson Davis Highway. As mentioned before, the retaining wall would be along the north here and it would be along the east there and going down the south there, and actually goes a little bit further as you following the parking

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between the two hotels. Here is a picture of the existing hotel. It's a Marriott Townplace Suites. It's approximately 50,000 square feet with ninety rooms. It's about three stories high. And the applicant provided us an architectural rendering of the proposed hotel which is proposed to be built at 49,000 square feet with approximately ninety-five rooms. It's, as you can tell, four stories in the front and if I had the other side view you will see that there's about three stories in the back facing towards Derrick Lane. As far as matching this with the Comprehensive Plan, say that it does conform with the Comp Plan Land Use Amendment should the previous amendment that I just discussed be approved, the proposed use is compatible with surrounding commercial developments. The proposal does conform also with the draft Comprehensive Plan which is within a commercial corridor so, therefore, that encourages commercial development along major arterial roads. Highlighting some of the proffers that are included with this rezoning/reclassification request, the development would be in conformance with the GDP. The only use that would be permitted would be the hotel with ninety-five rooms maximum. There would be no direct access onto Derrick Lane. Again, access would be limited for the proposed hotel to the one right-in/right-out. The applicant is also proffering to maximize the height of the front and the rear of the building to certain heights which are spelled out in the Proffer Statement. The monument signs would coordinate architecturally in design and with materials with the building itself. The applicant would provide NFPA 14 compliant standpipe systems. There would be a right-of-way dedication of twenty-five feet from centerline off of Derrick Lane. Hours of delivery and trash pick-up would be limited to 9 a.m. to 6 p.m. And the applicant would provide or construct a six foot tall privacy fence to match the existing fence on the property to the north, which is Assessor's Parcel 21-44; that is a used car lot right there currently. With that, staff evaluated the criteria of this reclassification against Section 28-206 of the Zoning Ordinance and found it to be compatible and compliant, and staff recommends approval of the rezoning with the proposed proffers subject to the adoption of the Comprehensive Plan. I guess we are moving onto the CUP. Agenda item number 12 is Conditional Use Permit 1000092. This request is to amend an existing Conditional Use Permit to allow for a second hotel to be built and constructed within the Highway Corridor Overlay District. Again, the applicants on this one is for all three properties; it would be Stafford Town Place, LLC and Nad Gillani. The owner of 30-5 is Stafford Town Place and then Nad Gillani is the owner of parcel 30-2C and 2D. Again, the total acreage is 5.34 acres. The applicant has requested to amend condition 1 to allow for a second hotel. With that, staff made other recommendations from the existing approved CUP. Staff recommended that conditions 3 through 5 be deleted because they dealt with transportation improvements that have been previously constructed with the existing hotel. Also, we recommended deletion of condition 6 which dealt with the existing hotel architectural design standards. We modified condition number 7 to have this Conditional Use Permit expire if the proposed hotel does not obtain building permits within a five year period. And then also recommended deleting condition number 10 because it was talking about no commercial apartments being able to be built; that has been an ordinance change since then and it's no longer an allowed use under the B-2, Urban Commercial Zoning District. With that, staff believes that the proposal meets the standards of issuance under Section 28-185(d) of the Zoning Ordinance and believes that the conditions will mitigate the negative impacts where the proffers do not. Staff recommends that the CUP with the recommended conditions, and then of course be subject to approval of the Comprehensive Plan Amendment and the reclassification. If there are any questions at this time, I will be happy to answer them.

Mr. Fields: Alright, are there any questions? At this point we've seen the presentation on all three issues before us. We have a Comprehensive Plan Amendment that would permit the consideration of a reclassification of use from residential to commercial, and then we have, assuming that that Comprehensive Plan Amendment could pass, then we've seen a presentation on the conditions under which the reclassification could be considered. And then, after that, assuming that reclassification was

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passed, the additional conditions offered under the (inaudible). So, with those three presentations, are there any questions for staff?

Mr. Rhodes: Mr. Chairman? Just on the retaining walls on the back and side there, how tall are those retaining walls?

Mr. Hess: I'm actually going to probably defer that comment to the applicant on that one.

Mr. Rhodes: Okay. And then there's just one other thing; so, the twenty-five feet of right-of-way on the back from Derrick Lane is from centerline. So that means there is about twelve feet undisturbed between Derrick Lane and the hotel?

Mr. Hess: Again, I'm not quite sure of the twenty-five how much is paved and how much going to be shoulders and woods.

Mr. Rhodes: Okay, I'll ask... thank you very much. That's all I have Mr. Chairman.

Mr. Fields: Okay. Any other questions?

Ms. Kirkman: Yes Mr. Chair, a couple. The first question I have is I notice there's a privacy, a six foot privacy fence around the circumference of the property. That's right on the property line. Is that allowed in that Zoning Ordinance? There's no setbacks for that?

Mr. Hess: I don't think there is.

Mr. Harvey: Ms. Kirkman, our Zoning Ordinance does not have setbacks for fences. Some of the districts have different heights, whether the fence is in a front yard or a side and rear yard.

Ms. Kirkman: We don't have any setback requirements for fences?

Mr. Harvey: No.

Ms. Kirkman: And then, on the existing hotel there's a twenty foot landscaping buffer. Does that extend back behind the proposed hotel? I mean, there's so much in there I just...

Mr. Hess: Right. I believe that they're going to be doing the fence all the way around and that's going to reduce it to twenty-five feet, but I'm not finding the GDP here. Sorry.

Ms. Kirkman: I just don't see a landscaping buffer depicted on the GDP.

Mr. Hess: From what I can tell, and again the applicant probably can answer this one better, it looks as though the retaining wall is where you have the landscaping buffer and then you hit the retaining wall. And then when you go up, I guess (inaudible), it turns into a twenty-five foot transitional buffer. I'm not sure if that answers your question.

Ms. Kirkman: Don't we require landscaping buffers between commercial and residential uses?

Mr. Hess: We do.

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Ms. Kirkman: So, where is that in that section where the retaining wall is?

Mr. Harvey: Ms. Kirkman, I'll try to answer your question. There's a ten foot street buffer on the edge of the retaining wall between it and Derrick Lane because our Zoning Ordinance requires that you have a use buffer where you have different uses of property, and then also on certain streets you have a street buffer. So this is showing us a ten foot wide street buffer along the portion of the property fronting on Derrick Lane and then it widens out to a twenty-five foot buffer on other portions.

Ms. Kirkman: Well, I'm looking like if specifically on the, I guess it's going to be the eastern side where it says retaining wall and it's where you can clearly see on the existing hotel a twenty foot landscaping buffer. And then it just seems to run smack into the retaining walls and I don't see a landscaping buffer depicted there. Is that correct?

Mr. Hess: It is correct. I mean, regardless they're going to have to meet landscaping requirements when it does go to site plan.

Ms. Kirkman: So, this GDP does not depict a required landscaping buffer.

Mr. Fields: We're working on an answer here?

Mr. Hess: Yes. I'm not quite sure right now. There might be another way to meet the landscaping buffer requirement.

Mr. Harvey: The code would require a buffer of some sort because you do have differing uses there. So they'd have to abide by the code regardless of what their GDP shows.

Mr. Hess: Correct.

Ms. Kirkman: And then there's an existing stormwater management facility; it says to be redesigned. But that like paves over part of the existing stormwater management facility and it looks like every other square inch of this property is taken up by something. Where would this stormwater management, the redesigned facility go?

Mr. Harvey: I'd have to defer to the applicant on what measures they are looking to do, but often times we see in these more dense developments that especially commercial developments they'll put the stormwater management facility underground, typically underneath part of the parking area.

Ms. Kirkman: And you deferred to the applicant the height of the retaining walls?

Mr. Hess: Yes.

Ms. Kirkman: So, particularly where there's no landscaping buffer... well, I'll wait for that.

Mr. Hess: Okay.

Mr. Fields: Any other questions for staff? Alright, we can always come back of course. At this point, I'll ask the applicant to come forward.

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Mr. Leming: Good evening Mr. Chairman, members of the Planning Commission; I'm Clark Leming. I'm here on behalf of the applicant. Just an administrative question. I think that your normal presentations for applicants are ten minutes; we have three applications. What is my time limit?

Mr. Fields: Certainly not thirty minutes.

Mr. Leming: But more than ten. More than ten, less than thirty?

Mr. Fields: Well, let's see how we go. Do you have... I would ask, I don't want to leave anything untouched but I think we probably understand the thing and want to get right probably into the more technical details. So, with that interest, let's see where we go.

Ms. Kirkman: Excuse me...

Mr. Leming: I think most of our time will be spent asking and answering your all's questions.

Mr. Fields: Excuse me; Ms. Kirkman?

Ms. Kirkman: Yes, if we're going to give the applicant longer than ten minutes because there's three applications, then I think in all fairness we need to give public speakers longer than three minutes because there's...

Mr. Fields: There is kind of a question of parody there.

Ms. Kirkman: So, it's your call.

Mr. Fields: Let's try to move it forward as quickly as possibly and get to the questions. But certainly we want to hear your point of view.

Mr. Leming: Let me touch on the Comprehensive Plan fairly briefly first. I take issue with one thing that the Chair indicated, and that was that the zoning is contingent upon the Comprehensive Plan Amendment. Comprehensive Plans are, by statutory definition, general in nature. By clearly established case law, counties, localities do not have to follow their Comprehensive Plans. I'm not saying that's a good thing to do but they don't legally have to do so. In this County, unlike some other counties, when an application is inconsistent with the existing Comprehensive Plan, staff requires that we also submit a Comprehensive Plan Amendment application. So, we have done so and we do that all the time when that circumstance arises. I think it is clearly within the County's discretion to adopt the Comprehensive Plan Amendment. To not do so, to wait until the overall Comprehensive Plan is adopted, ultimately I don't think it has very much to do with the zoning except that the perception may be that it makes the zoning neater. However, given that, the argument for this Comprehensive Plan Amendment is compelling given the location along Route 1. Particularly I would say for this triangular piece of property that is bordered by Route 1 and Derrick Lane, the church property, the actual church on the south, the used car lot and Aquia Town Center on the north. Within that triangle right now you have a used car lot, you have an existing hotel, you have a larger church property that is undeveloped to the back of the hotel that is not utilized residentially, and then you have the church on the other end of the property. And as staff has indicated, of course right across the street there is intense commercial development. So, I think from a basic planning standpoint it's a pretty straightforward analysis supporting the Comprehensive Plan Amendment. Now, on the rezoning itself, a little bit about Fairfield Inns. Fairfield Inns are a Marriott product. They are more geared toward

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shorter stays, overnight stays, as opposed to the existing Marriott Suites which is oriented toward extended stays. The demand for hotel space in Stafford continues to increase. Over the past three months the Suites operated on seventy-some out of ninety days over the June/July/August period at a hundred percent capacity. The belief is that the additional product, while appealing to a different group that stays for a shorter period of time, will also take some of the stress off of the existing facility there. As you all know, there are any number of improvements; office parks that will cater to the military, to BRAC, to the contractors that service the military and the FBI in this area, and the demand for hotel space continues to increase. You are aware of the new hotels that have already been built in the same corridor. There's an expansion for another of those hotels in the works, so the demand just continues to go up. Hotels are friendly to the County from an economic standpoint. The impact on the County is low, the cost to the County is low, and the tax benefits are substantial. The combination of the real estate, personal property and particularly the lodging taxes, a portion of which comes directly to the County. All of that is detailed in the impact statement, but I think the perception is that the County does very well financially with hotels. Staff has indicated that we will utilize the existing full service intersection where there's already a light. The traffic impact from this additional hotel does not trigger the need for a traffic impact study or traffic impact analysis, and so none was conducted here. I've heard your questions and I have some short answers to some of the questions and then I'm going to let the engineers speak to some of the others. On the retaining walls, the height of the retaining walls varies from six to twelve feet and, Mr. Rhodes, we can detail for you on the GDP where that variation occurs if that would be helpful. What I would like is for Mr. Kniseley to come up here for just a moment. Mr. Kniseley is one of the engineers on the project and given the questions about the landscaping buffer and the sequence of the street buffer from Derrick Lane, the retaining wall, the twenty-five foot buffer, I think it might be helpful if Gary would provide you with an explanation of how that stacks up and what sort of distance there is actually. One of you had a question about how far it actually was from Derrick Lane to the hotel. I think Mr. Rhodes again. And I think Gary can better explain that and it would be helpful... would it be helpful to have a GDP on the monitor?

Mr. Kniseley: That would work; if they have it up there we can talk to that.

Mr. Fields: Can we do that?

Mr. Leming: Is that possible Joey? There it is, alright.

Mr. Fields: How about that.

Mr. Kniseley: Mr. Chairman, members of the Commission, good evening. Regarding the question I guess is the first thing from Derrick Lane, with the twenty-five foot dedication what that will do is set it back twenty-five feet from centerline which will probably give us a good ten/twelve feet of undisturbed area there as far as the vegetation that you currently see. Beyond that we have a ten foot street buffer that's required by ordinance, then we have an additional ten feet that's going to remain undisturbed from a grading standpoint. And that's part of the purpose of the retaining walls. So, we can take advantage of anything in there that's worth saving, supplement the planning and fill that out again, so we'll have a good twenty feet of vegetation from the edge of the pavement looking into the product there.

Mr. Leming: Can you also address the fence and the retaining wall and where they fit into the...

Mr. Fields: Just to clarify, I just want to go over that one more time. So, from the edge of the pavement to the retaining wall will be twenty feet of vegetation?

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Mr. Kniseley: Yes.

Mr. Fields: Okay.

Mr. Kniseley: We have a ten foot required buffer beyond the right-of-way dedication. Currently right now, if you go down and you look at the pictures, there's a good stand of vegetation that starts right off the edge of the shoulder. There's no need... that will be within the newly dedicated right-of-way. Obviously, if VDOT or someone came in and cleared it we wouldn't have the control. But we have no need to disturb that. With the retaining walls, our ten foot buffer will be on natural ground. We're going to keep the good mature trees; we can thin it out and then supplement it and meet the requirements of a ten foot street buffering. The retaining wall at that point is about a twelve foot high wall. And that helps keep us from having to lay the slopes back all the way to the right-of-way and replant. So we have some advantage that we have a good stand of growth right at the gate and then we'll supplement that and, given time, it will brush out and thicken up. The fence, as Ms. Kirkman said, is on the property line. That's kind of how we read the ordinance. We could, again, set that at the top of the wall, leave all the stuff in front, but right now there is no setback that we're aware of. We are currently showing it along the property line along Derrick Lane, which is the east side of the project.

Mr. Leming: I think there was some thought that having the fence at that location had the best impact, visual impact, as far as what would be seen from Derrick Lane; that that's where the fence would be most effective, rather than further back on the property or possibly down further on the slope. So having the fence at the highest elevation helps with the viewshed to the greatest extent. And then the fence, of course, is buffered by the vegetation. We have some additional material on that also but that, I think, what Gary has told you gives you the general location of things. Are there questions based on what Gary has talked about?

Ms. Kirkman: Mr. Chair, I do have some questions of the engineer.

Mr. Fields: Sure.

Ms. Kirkman: So, I'm looking specifically... if you want to keep the GDP up... I'm looking specifically at the area that is adjacent to Tax Map 30, Parcel 2B, where it says two retaining walls. Why are two retaining walls necessary there?

Mr. Kniseley: What it's going to allow us to do, there will be shorter walls rather than one big massive wall. We can step that down and then we can landscape in between the walls. It gives us a little bit better opportunity to soften the blow of a higher wall.

Ms. Kirkman: So, what's the total combined height of those two retaining walls?

Mr. Kniseley: If you're talking about on the west side, down below the two combined would probably be twelve feet there.

Ms. Kirkman: So, each one is about six feet?

Mr. Kniseley: Six feet, yes ma'am.

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Ms. Kirkman: And what is the existing slope? I mean, I don't have a ruler with me but it looks like it goes up about fifty or sixty feet, over fifty feet or so? What's the slope there?

Mr. Kniseley: Not so much. We're looking at if... the natural ground in the middle of the hotel is probably running around 170. Down at the road it's 150 on Route 1 and from the middle of the hotel back to Derrick Lane you pick up about six or eight feet. So, it rolls up.

Ms. Kirkman: Yeah, I'm looking specifically at that area where you have the two retaining walls and the contour lines are very close to one another. What's the slope there?

Mr. Kniseley: Well, those will be graded slopes with the retaining walls.

Ms. Kirkman: Sure. I'm asking what the current slope is.

Mr. Kniseley: They're probably running twenty-five/thirty percent.

Ms. Kirkman: Really? Okay. And where would the landscaping buffer go in that area?

Mr. Kniseley: Well, we're going to have a privacy fence along there and the landscaping buffer would be included from the curb to the property line. The curbing is set back the landscape buffer distance.

Ms. Kirkman: But is there any landscape buffer between the retaining wall and the edge of the property?

Mr. Kniseley: Yes. As we step up that slope, we will landscape the slope and there'll be trees...

Ms. Kirkman: I understand the slope between the two retaining walls will be landscaped, but in front of the first retaining wall, is there any landscape buffer there? Or is it only the privacy fence?

Mr. Kniseley: It will have the privacy fence because that will be up close to the property line.

Ms. Kirkman: It's close to the property line there; no room for a landscaping buffer there.

Mr. Kniseley: Not between the fence and the property line. That will be along the property line.

Ms. Kirkman: Okay. And then I asked the question about re-engineering the stormwater management facility and where that would go given how densely packed this property is.

Mr. Kniseley: Following up on what Mr. Harvey had started off with, it will be underground. And when we designed the system for the first hotel, the majority of that stormwater management is under the parking lot there. What is there now is a bio-retention, it's like a first flush system that we can accommodate underground. It was done because it's cheaper to do and we had the land at the time but knowing full well if it got developed we were going to go underground like the rest of the system with the first hotel.

Ms. Kirkman: And how would the run-off from those two retaining walls, how would that get routed back to the stormwater management facilities?

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Mr. Kniseley: What we'll have is they'll be designed with a system of drainage behind them, weep holes that will come down into the parking area, and then the parking area will collect the water and get it into the system.

Ms. Kirkman: But will there be any weep holes that allow drainage out towards the edge of the property?

Mr. Kniseley: Well, we're looking at a slope like this behind us. You're talking about with the adjacent property owner?

Ms. Kirkman: Mm-hmm.

Mr. Kniseley: Actually what we'll be doing is picking up any water that comes off of his property and dealing with that because that slope goes up, we're going to be down here and then we'll collect it and run it through our system (inaudible).

Ms. Kirkman: I got it. Okay, thank you.

Mr. Fields: Alright, any other questions for the engineer here at this point?

Mrs. Hazard: I have one.

Mr. Fields: Mr. Kniseley, could you...

Mrs. Hazard: Maybe Mr. Leming could answer it as well. I would call it the back of the property, the part that is closest to Derrick Lane. It looks like, as I see it, that there is sort of a parking lot back there that would be used; it's not just a loading area, there is parking back there as well. I'm curious about how the lighting works there. I know that there's been discussion about downward and away, but if you can give me a little more idea because some of those are fairly close. And I'm just trying to get... especially that back area... and then really the one that runs along the double retaining walls just discussed, how the lighting would work that, if you don't mind.

Mr. Kniseley: As we said, all of these lightings are downward pipe shoebox style that come down. And there'll be probably, once we get the architect, we'll probably have a photo-electric plan done to show how the luminaires would work and how the brightness levels would go around the perimeter of the property. The parking lot directly behind the hotel is going to be down because of the retaining walls. So anything from the automobile stuff is going to hit into our bank. On top of that, as we said, we have the landscape buffering and with the retaining walls, we are maintaining existing ground to help that initial growing phase. So we can retain some of the existing vegetation. As we come up along the lower level, that parking sits so it's directed to Route 1. So from that standpoint, all the lighting will be there and any of the residential houses, that will be about thirty feet below Derrick Lane anyhow. So that'll help mitigate that.

Mr. Leming: And all the lighting is directed down from the back toward the hotel in that parking area, not from the hotel outward.

Mrs. Hazard: Thank you.

Mr. Fields: Alright, are there any other questions for the applicant or any of the team so to speak?

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Mr. Leming: There is one other, unless there are other questions, there is one other thing I would like to share with...

Ms. Kirkman: Yes.

Mr. Fields: Ms. Kirkman? Ms. Kirkman has another question.

Mr. Leming: Go ahead.

Ms. Kirkman: I was looking at the number of parking spaces which is ninety-five, equivalent one per room, and then four handicapped spaces. When the hotel is running at a hundred percent occupancy, where are staff going to park?

Mr. Leming: The hotel spaces are what are required by the ordinance. They are also what are recommended in the hotel industry. The hotel, even at full capacity, doesn't mean that everybody there has a car. Even when the Town Suites is fully occupied, a hundred percent occupancy, there are spaces in the parking lot, for two reasons. Number one everybody doesn't have a car, everybody doesn't drive there; some people come together in cars. But the more important thing is the staggering. What happens is that some rooms are rented for a portion of the day, so they are unavailable; it's considered full occupancy but there's nobody actually there or that person will not be there till later. In the meantime, others come and go. There is a, if you're familiar with the protocol at hotels, there is a maid service that operates 24 hours a day and they're always preparing rooms for the next group that's going to come in. So, when we say 100 percent capacity, that means that the rooms are all accounted for; they're all rented at some point during the next 24 hours. But there's never been an incident where the parking lot at the existing hotel was not sufficient to handle the capacity and that parking lot has exactly ninety spaces which is the number of rooms the Suites have.

Ms. Kirkman: And then my question... I have a question regarding the ownership affidavit. The Stafford Town Place, LLC... is Mr. Gillani the only person or corporation with a real interest in that property?

Mr. Leming: That's correct.

Ms. Kirkman: And are there any contract purchasers?

Mr. Leming: No.

Ms. Kirkman: Okay, thank you.

Mr. Fields: Any other questions for the applicant? Alright, before we open the public hearing was there one more...

Mr. Leming: There is one other thing that we have prepared for you and I will leave it to your discretion. We've had a number of meetings with the neighbors along Derrick Lane and one of the things that we have prepared is a short visual presentation our architect has done that demonstrates what is going to be visible from Derrick Lane with the combination of the fencing and the landscaping and the height of the hotel. We can do that in a rebuttal period, we can do that for you now, it'll take...

Mr. Fields: I personally think that's a constructive use of our time.

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Mr. Rhodes: Yes.

Mr. Leming: Okay; then Curt, you're on.

Mr. Cushwa: Good evening, my name's Curt Cushwa. I'm an architect from Hagerstown, Maryland; Cushwa and Stouffer Architects. We do mostly hotels and churches in a five state region. This will be the third project we've done for Mr. Gillani. And we put together a little presentation. These are sketches that we do in-house to figure out what we're going to be seeing and we find that it's useful for neighbors and Planning Commissions. Just general floor plans; if you have any questions, we can go over those but it's really not key. Marriott is going through some changes with its prototype design for Fairfield Inns; these are some of the prototypes they've been playing with. We were able to steal bits and pieces from these, combine them with elements of the existing hotel, and come up with something that is going to fit the neighborhood, we think...

Mr. Fields: Sir, I'm sorry, can you get a little closer to the mic because people are having a hard time hearing.

Mr. Cushwa: I'm sorry. We combined elements of the prototype designs with the existing building so that we came up with something... and here's the existing building... something that is a little more compatible with the neighborhood. And you can begin to see in our drawings some of your questions about the retaining walls and the plantings. As we walk around the site, you can see the retaining walls along the west side, why they are two different layers. It really softens the effect of the high retaining wall. We go on around and you're beginning to see the houses on Derrick Lane. The four beige blocks are the actual location and heights of those houses. You come around and you can begin to see how the back parking lot is at the second level of the hotel so that it's only three stories in the rear. We're going to flat roof design so that we aren't putting something way up in the air and blocking the view of the houses from Derrick Lane. And then this is basically a little fly-by; if you had a helicopter and you were going past the hotel. And now we're going to go up Derrick Lane and begin to see a little bit of the impact with the planting. Those are the existing trees in place that are remaining. And one of the major reasons for the retaining walls other than maximizing the site is to maximize the existing trees. We only are showing the big trees; there are a lot of small trees that are going to remain. This is a view from the Vine residence and again this is approximate. The white or the beige block on the side is actually the side of their house and I have everything set for my eye height, so a shorter person would actually see less of the hotel. This is the other house. And you can see, because the hotel is set down on the site and with the existing trees and the fact that, at that point, Derrick Lane is higher than the neighbors' houses, we're seeing just part of the top floor. The impact is minimal. The Pack residents see even less. And this is looking...

Mr. Hirons: Mr. Chairman, if I could ask a real quick question on the previous slide.

Mr. Fields: Mr. Hirons, please.

Mr. Hirons: Those perspectives are from ground level?

Mr. Cushwa: No, they're my eye height which is...

Mr. Hirons: Your eye height, six feet high...

Mr. Cushwa: Standing on the ground.

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Mr. Hirons: It's not from the second floor of their homes.

Mr. Cushwa: Correct.

Mr. Hirons: Okay.

Mr. Cushwa: And then this is Derrick Lane looking south and then an aerial looking down, giving a little perspective of what's going on, and then just a final view showing the retaining walls and the building.

Mr. Fields: Okay.

Mr. Leming: Any questions about Curt's presentation?

Ms. Kirkman: Yes, sir. So to follow up on my colleague's question, the higher up you are, do you see... so, if somebody's in their second floor of their house, as my colleague asked, are they going to see more or less of the hotel?

Mr. Cushwa: More.

Ms. Kirkman: Okay, thank you.

Mr. Cushwa: For two reasons; not only because you're up higher but your eye, naturally you're looking down.

Mr. Fields: Any other questions at this point?

Mr. Leming: Thank you Mr. Chairman.

Mr. Fields: Alright, and we'll... stand by. If there's no more questions, before we start receiving comments, are there any last questions of staff for the applicant from the Commission? Alright, then everybody stand by and we'll take it from there. At this point, we will open the public hearing. The public hearing, just to be redundantly clear, is on three items, it's on the Comprehensive Plan Land Use Amendment, it's on the Reclassification which means rezoning request, and it's on the Conditional Use Permit on the conditions. So, this public hearing you can comment on any of the aspects of all three of those items. At this point I'll open the public hearing. Anyone wishing to speak for or against these proposed actions, please come forward to the microphone, state your name and address for the record. You'll have three minutes to speak. When the green light goes on, your time starts. Yellow is one minute and red is we request that you try to come to conclusion pretty quickly.

Ms. Kirkman: And Mr. Chair, are we going to allow the speakers some leeway given the three items?

Mr. Fields: Well, let's see how it goes. If we have people that are consistently running into the wall then we'll try to make sure we get everybody heard. But we don't want to get too loose here.

Ms. Kirkman: Thank you.

Mr. Fields: Yes, ma'am. Thank you.

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Ms. Pack: Hi, I'm Darlene Pack. From the beginning, the residents of Derrick Lane have been against the hotel. The way the land was acquired, covered in our first go around; both parcels were bought in speculation of using for commercial use. And due to that speculation the residents of Derrick Lane have to look at the back of a hotel and everything; the noise, the lights, etcetera, that go with it. How many of you live twenty-five feet or so away from a hotel? How many of you have searched to buy a house next to a hotel? It is invasive to our neighborhood. It doesn't matter if a six foot fence is put up, people will notice it. They will... once you get into a hotel, you go "oh, we're settled in; let's go check out what's around in the surrounding neighborhood". They had said they would put the fence all the way from one end and down past the Marriott Town Suites. People can get around that fence. If they want to check it out, they will. The increase in pollution, that is a reduction in our quality of life. Idling tractor trailers that may need to run all night. Now, they may say that these people don't come and stay at our hotels and that's not going to happen; give it time, it will. On number 3 of the memorandum to the Planning Commission, in there it's says the proposed hotel will not hinder or discourage appropriate development or impair the value of the land and buildings on adjacent properties. The Litaliens, who are out of town right now, the first go around, their real estate agent that sold them the house said it would decrease their house by \$50,000. There will be car alarms going off, the doors slamming, conversations, people talking; who's going to care about that when it's all put in. Lighting, I don't care how they're placed. It still emits the light. It will still be invasive to our street. It is not an extended stay. There's going to be a higher turn-around. It's going to bring more transients to the area. We have people from the current hotel who walk our streets now to check it out. Number 4, the safety and health risks that goes with the people going up and down the street. A retaining wall, if there was nothing behind it, fine. But what if that retaining wall fails? The people of Derrick Lane are the ones that are going to have to deal with it. Who's going to be coming out taking care of that? I want to implore you to go out, stand on the property from both the Derrick Lane and the Route 1 side, and take a good look at it, take a good look at that slope, and see if you really want to live there and look at the back of a hotel for the rest of the time that you are there. Thank you.

Mr. Fields: Thank you Ms. Pack. Is there anyone else that wishes to speak? It's not a requirement, but if you are planning to speak, if you want to get up and stand ready to go. I mean, we're not in that big of a hurry and I'm not being disrespectful but it just keeps things moving sometimes.

Ms. Goodchild: My name is Sharon Goodchild. I want to thank the members of the Commission for hearing us this evening. I am opposed to the Fairfield Inn and Suites request for an amendment to the Land Use Plan, the proposed reclassification from R-1 to B-2 and the Conditional Use Permit that would allow a four floor ninety-five room structure inside a residential community. The use of the 30-5 tract which gives them access to 30-2C and 30-2D does not lessen the impact of road noise and light pollution from the motel and any adjacent development west across Route 1 that may happen in the future. I know the County is trying to move towards consolidated development and infill projects with new Overlay Districts being proposed. It is also stated the importance of respecting private property rights and quality of life as this process moves forward. In my mind, this project scale and incurring so close to our residential property lines does not meet that goal. Even with its proposed marginal buffers, in the future, an approval, leaves our community exposed with diminishing privacy and possible safety. Like my sister before me, please, before voting on these items, review the documents and site plan in relation to the existing community. Walk and stand on the adjacent properties to visualize the impact and the motel's construction needs, and its true physical relationship to our homes. Then consider if your constituents and your family could enjoy their properties with a project this size and the threat of more like it hanging over their heads. Now, I had prepared this statement being concerned about the time constraint. And since it's being handled consecutively, I did have some notes taken when some of the other items and questions that you were giving, and these are just from

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our own observations and review of the plans. In the initial presentation by the staff member, they said that the terrain slopes from Derrick Lane towards Route 1, which is the case; not the reverse as staff had said where it slopes towards Derrick Lane... which is probably obvious by your own observations of the site plan. Also, the church property... when you asked the question about whether the buffer is consistent with the existing hotels and would be coming all the way across to the new one, that's not the case. The current Town Suites has a large wooded buffer between that hotel and our community. And so it really has not directly impacted the community and we've been able to live in harmony pretty much with it. However, this property sits right on the street. The step-downs, where it does drop the view of the hotel somewhat is still leaving us with almost a floor and a half and that is above any fence or lower tree line that they are proposing on putting in. Most of the landscaping, from the plans that we've looked at, are actually on the other side of that fence which is only like a twelve foot dirt strip because the measurement is taken from the center of Derrick Lane to where their fence line is. It would require substantially more mature trees planted in order for us to co-exist in harmony and not be worrying about what's going to be happening across Route 1 when they develop the large property, which is already kind of viewed as an ideal hotel location.

Mr. Fields: We're approaching... I've allowed you an extra minute so if we could go ahead and, that's great, I appreciate all of your information. Maybe if you could go ahead and sum up. Did you have one more last quick summation to make? One more quick point?

Ms. Goodchild: When the community met with the developer over at the Town Suites this spring, some of the presentations that were shown showed closer to a three story hotel and an "L" shape. And the one that we're seeing tonight is not the one that we were presented with when we were doing the workshops.

Mr. Fields: Okay. Thank you ma'am.

Mr. Goodchild: Hello, I'm Bob Goodchild. You've already heard from my wife and my sister-in-law so I will try not to repeat what they've said. I've enjoyed some of the questions you've brought up because we asked the same questions and have not necessarily been satisfied with the answers. We've been through this before. We've been promised things. We've been told that traffic is not going to be a problem, but I can tell you from personal experience, and I do it every day in the morning and every day in the evening, that traffic is becoming a problem there. The light that was supposed to help us... what it does is causes the traffic to bunch up and because the road goes from 45 to 35, there's that natural compression of it. And because most people want to get on at 95 or go to 610, they're all in the left lane. Now, even the people that are happy to let you come in, stop and let you in, they get really upset when you don't go because they can't control the right lane. And if I turn in front of that right lane and have an accident, I'm at fault. So, it's becoming a problem. And they get upset with you and I can understand that. So, traffic is a problem. Not only that, if you look at their numbers they're saying 2.2 trips per room. Now, there's no place to eat there so that means the people are going to come, people are going to go, one time each according to your documentation obviously they're not going to go out and eat. So I think that 2.2 is probably a little light. So there will be more impact. Utility impact, that twelve inch storm line that you're talking about, I don't know where the water is coming from. It must be coming from Aquia Town Center because we don't have storm drains on Derrick Lane. So, the question in my mind is what happens if we get into a wet zone? The County's own documentation says that there's a significant increase of water flow. Is this hotel going to be consistent with the... is it going to be big enough to handle the water flow during the rainy part for both the Town Center and the new hotel? Right now the land is absorbing that water, so it hasn't been a problem. Environmental impacts may not be important to a lot of people but we have a herd of deer

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there. Now, we're not so happy with them when they eat my plants in the winter, but they walk through that area. They'll walk down the street. And we also have hawks in the area and there's been an eagle or two from time to time. So while it's not probably a natural ground for them, they're going to tear up more of the ground for the natural wildlife and that's going to be problematic. That's going to drive those animals some place else or out into the streets. Landscaping we've already talked about. I love the picture they put up on the wall, on the picture there. The house that's right next to the place, you notice they only had a bracket line. There's going to be a house right close to the property line and they have the hotel right close to the maximum building distance... the minimum building distance between their property line. So they're practically going to be I won't say handshaking neighbors but if I lived in that house I'd be really upset, not to mention the people that are across the street. Noise and impacts have been talked about. Lighting... even if you have downward lighting, nobody has said anything about the upward lighting. On the old hotel, they actually have lights against the building that they shine up on the building. Well, that causes light pollution too. In fact, it turns the entire building wall into like a huge lighted sign. So, I appreciate your time. I want you to take into consideration that the County has specified our neighborhood as R-1. It has done so for a number of years. Every document I can find the County has put out has had that as R-1. And they did it for a reason; I don't see any reason to change it. Thank you.

Mr. Fields: Thank you sir. Is there anyone else that wishes to speak?

Mr. Pack: Good evening members of the Stafford County Planning Commission. My name is Douglas Pack. I want to talk about the GDP a little bit on some items that were brought out on the retaining wall. And I'm not sure who brought it out but it was somebody over in this area here; it might have been Mr. Rhodes. I'm concerned with the retaining walls also on supporting of this fine, gravelly loose I call bank-run material. And to really adequately support Derrick Lane and adjacent properties would be tight sheeting-type of retaining wall. Tight sheeting (inaudible) boys pour concrete wall and then you can veneer that with face brick or whatever. But more so is when you have to drain this because if you get too much hydro-static pressure behind these walls, and I'm sure the structural engineers have taken that into consideration, if you don't do this you're going to have some settlement and crack in the retaining wall. And then when you do drain the system, and let's take Derrick Lane on the buffer area, having said that you've got to drain the wall, that's draining it out and into the storm management pond or structure, you're taking the water away from the vegetation; it doesn't last long if it's draining properly which it should drain properly. So, I'm sure the structural engineers would consider that and VDOT could probably look at the retaining wall also for settlement and movement. Ms. Kirkman, I think you brought it up; parking, some issues on parking. I counted the parking spaces... oooo...

Mr. Fields: It doesn't take long.

Mr. Pack: Yeah, I know. The proposed parking spaces should be ninety-five. I counted eighty-eight spaces on the plan, GDP plan. Four handicapped, which is correct; there is four. Over and beyond that I went back over and counted the parking spaces for the Marriott and they're one short. They have eight-nine parking spaces; they should have ninety, if the room count is correct. (Inaudible), hazmat, I'm sure people have done the hazmat studies on this area. So I recommend voting against the CUP and rezoning and land use plan, all three items that was on the list. Thank you.

Mr. Fields: Thank you sir. Is there anyone else that wishes to speak? Take your time.

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Ms. Price: I don't have any paper so I'll be short. My name is Michelle Price. I've lived there since we built the houses in 2000. I'm also opposed to this. I believe there's a much better place to put a hotel than right at our back door. I feel the property values are going to go down on all of our homes on the street. We have gone through this before and I believe there is much better uses for that. That's it.

Mr. Fields: Thank you.

Ms. Pendleton: Hi, my name is Sylvie Pendleton. I've actually been one of the older people that live on this street. I've been living there for sixteen years... over sixteen years. I used to live on the house that they would be tearing down on one of the parcels that they're referring to in order to build this new hotel. So I lived there for six years before moving down the road. All the technical stuff everybody knows about, the concerns and whatnot, but I guess one of the other things that really concerns me is, you know, we're going to be neighbors with this hotel. I live directly behind the existing hotel so the lighting I can contest to; my master bedroom and the beautiful light that shines up on the side of the hotel in the fall when the leaves go down. Summertime not so much, but in the fall you definitely see it. Having said too much about it, we do have a very, very wide buffer there. So, that's one thing that if you guys walk the property like my neighbors have said and really look, what you're really seeing and all these trees that they're proposing and even the ones that are existing, those lots are not quite as heavy dense at that property than the ones that are existing behind the existing hotel. And then the other thing is the way things have been handled from day one, the way the property was acquired way back when the owner of the property bought one of the pieces of property from my neighbor down the street, these meetings that we've had with them showing us all these beautiful plans and how it was only three stories and a flat roof, and now we're four stories with an "L" shape... nothing has ever been exactly what we were told. We were given one thing and then we're here and I'm seeing something totally different than what I have seen for the last eight months or whatever. So, I'm opposed to it. I would love to just leave it the way it is; build some more houses or something or, I don't know, just leave it alone, and really look at it. I would appreciate you guys really taking the time and looking at it. Thank you.

Mr. Fields: Thank you. Is there anyone else that wishes to speak for or against the proposed use?

Ms. Knight: Good evening. My name is Jo Knight. You know, I didn't show the first time this came before the Planning Commission and the Board because I felt the Elkins who lived at the end of the street who are dear friends of mine, senior citizens, I felt they were opposed. I have since understood that they're not opposed and they're thankful for the jobs this will create and that a tax will bring to the County. So, with that in mind, I think I can express my feelings very well. You know, I read this morning, the OD cuts could stifle Virginia's economy and I thought back... you know when Quantico came to this area and my parents and grandparents were moved off the base, and they established this Marine Corps Base, if it had come before us today it would never ever have been approved. And what a loss it would have been to our County. The jobs, the income, the revenues, all the pluses that we've had from this Base... no one would have wanted it and yet hundreds and thousands of people have built around this Base. They have come here and live next to it with its warts and all. You know, the bombing that occurs that rattles your house occasionally, we've become accustomed to that and we've built here, live here and love it that we have that revenue and the benefit of jobs that many people throughout the country don't have. I think on a different scale entirely but with the same principle this hotel will bring us jobs and revenue from tourists. And that's where we like to get it. That we wouldn't realize otherwise and in this economy, thank God somebody is willing to stick their neck out and invest in a hotel. And these hotels have done extremely well. This would not create another cut

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on US 1 Highway. The existing traffic light would accommodate it and I think that everyone would soon learn to enjoy it being there. We don't like change. Everyone objects. Thank you.

Mr. Fields: Thank you Jo. Is there anyone else that wishes to speak for or against? Alright, seeing none I will bring it back to the Commission. Unfortunately the Aquia District Commissioner is not here this evening. But I'll bring it to the applicant; do you wish to rebut some of the comments raised during the public hearing? Why do I have this odd sense of déjà vu on this, Clark? Am I just imaging that I have sat through this exact same public hearing once before?

Mr. Leming: It did make it to the Board for a public hearing...

Mr. Fields: Yes it did.

Mr. Leming: There have been a number of changes since the last time we came through. Ms. Knight mentioned one of them and that was the meetings with the Elkins and the resolution of that situation. This is a fairly unusual situation, even for Stafford. You have a road coming in at an unusual angle off of our main accessible corridor, north/south corridor, in the County. It's a corridor that we're trying to bring high tech to. There are a limited number of hotels along that corridor. If you go north of 610, there's the new Staybridge, there's the Hampton which is expanding, one other possible hotel coming in there and the Suites. And that's all that is on the east side of 95. The next bank of hotels that is available is across the Prince William County line. And we're operating at capacity with our hotels, particularly on the east side of 95 right now. And they're expanding, we have this new proposal, perhaps one other. There's something to be said for keeping the hotels and the hotel clientele in this vicinity and spending their money in Stafford County rather than somewhere else. But, on the specific issue of whether this is the right location, this is Route 1. We are constrained somewhat by the history of the diagonal street, Derrick Lane. This hotel is at the very northern end of that street. The only thing that is further north is the very small car lot. So, we are... if you look at all of Derrick Lane, the impact in terms of permanent structures and collation of the hotel, is actually minimal because most of the houses are further south on Derrick Lane. And while they will drive by the hotel, it is not something that is going to be visible from their homes. The hotel has been creatively designed to maximize the building area. And I want to point out that we are within, we are under the .4 FAR that is the requirement in the B-2 Zoning District; we are at .38 for this hotel and .36 for the Marriott Suites. So we're not overcrowding the parcel as far as FAR is concerned. You may recall that under the ordinance there is a CUP provision, specifically for hotels although it may have been broadened somewhat since then, but originally for hotels, because of the problem that hotels have, they go up, their FAR increases, we don't need any of that. In this County, at least four of those CUPs have been issued so that FAR can go up to .5 or I think .63 is the highest one that I brought through the process. So, we don't have any of that here. It's a tight fit. We have tried a number of different things. Three floors have always been what's visible and what we've represented as being visible from the back. It's like an English basement; the bottom floor goes into the side of the hill. There are four floors visible from the front but it has always been three floors from the back. And the issue has been, how do you turn the hotel to maximize... to keep the FAR within the limits, obtain the parking that is necessary, and provide what we think will prove to be a very sufficient buffer between the fencing and the landscaping. This area... there's some discussion about this area being designated by the County for single-family, for R-1. It's zoned R-1; at least part of it. Two of the parcels here are zoned R-1. But, under your Comprehensive Plan it is not designated as Suburban Residential; it is designated as Urban Residential. And I would submit that the impact of the kind of development that is consistent with that land use designation, which is the historic land use designation for this area, is at least what it would be for a hotel. And we're talking about townhouses or apartment buildings, fairly dense residential

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development with the lighting and the noise and the same factors, but not under one ownership necessarily. In this case, you have a responsible party who is going to own both of the hotels. And there's an important point to the hotels being located together here. They complement each other. Same ownership, different product; one directs one to the other. So it's almost an extension of what is already there, it's just geared to a somewhat different type of traveller; not the extended stay traveller. So, I think there's a lot to be said for this location because there aren't that many places close to the interchange left. This is one of them. This is in a convenient location for travellers collocated with another hotel and, as I've indicated, we've tried to do our level best to minimize the impact of it and still keep this a marketable hotel that meets the parameters that Marriott sets forth also. Parking, somebody mentioned that. Parking is controlled by ordinances. If they don't have the right number of spaces... they've got to have the right number of spaces. Anybody can go out and count them and say you've got to have more parking spaces. So, regardless of what is actually counted on the plan, there have to be the right number of parking spaces and that's something easily enough monitored. The retaining walls I think as Mr. Pack indicated, those are reviewed over and over again. And keep in mind that the entity that has the arguably, probably the greatest risk here, is the hotel that is being protected by whatever might come down if the retaining wall should fail. You think about the liability issues associated with that and, rest assured, that the owner of the hotel and the parent company is not going to take any risk whatsoever with regard to the structural integrity of the retaining wall. That's too big a risk for them. So, I think those are things that are engineered and handled now all over the country. We're not the only jurisdiction that has steep hills to deal with and fairly trying spaces or topography to work with. Stafford has perhaps more than its share of it and this is perhaps an example of it. If there's an issue with lighting, there's a condition that covers lighting. It says the lighting must be directed downward. If the lighting is not, that's a violation of that condition. And that can be easily enough monitored and addressed also if there is an issue there. But your condition is very clear as to the direction of the lighting. Property values... you know, I've been doing land use for... I don't want to tell you how long now. But certainly in my experience property values increase when you have commercial or industrial property next door. My property values have increased because I'm next to Vulcan Materials. If you're next to a shopping center, the prospect that your land may also go commercial at some point enhances the prospect of those property values, not diminishes them. So, that's simply the way development works. And the more the intense the development, the more valuable the land is. And the closer you are to the intense development the more valuable your land is. So, I do not believe that there is any negative impact based on my experience. And I suspect Ms. Knight would agree with me and she's got a lot more experience... I'm sorry, I don't mean a lot more experience, but some more experience than I do. I think those were the main comments. Stormwater requirements, they've got to comply with the stormwater requirements. They've got to control the runoff across their property. That is something that is controlled by ordinance. It is something that is reviewed again and again and again. I seldom, in recent history, see problems with the way stormwater is designed, particularly on parcels of this size. I think that's... somebody said something about a tractor-trailer coming in there? I don't... has the Marriott ever had a tractor-trailer park overnight in its parking lot? I can't imagine a scenario where we're going to have tractor-trailers park there. Please keep in mind, this is Route 1. This is the commercial corridor of the County. For what it's worth, you all were discussing this earlier, under your Comprehensive Plan consideration now and I hope this one is beyond the scope of the discussion that is going to follow this version of the Comp Plan. Route 1 has got to be the commercial corridor. I mean, it may not have been in the past but that's what the future is; all up and down Route 1. And the future of single-family residential development along Route 1 or along 610 or any of those major corridors I would hope everybody could agree is something that we need to move away from and get our commercial on corridors and move the residential back further, obviously working through transitions for those areas that have been located closer to the major corridors historically. Thank you for your alls time this morning... this

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evening and your patience with us. And we'll be happy to work with you and try and address issues that you may have. If there are any questions or issues that you want us to look at in particular, we will be happy to do that.

Mr. Fields: Alright. At this time, are there any further questions from the members of the Planning Commission for either the applicant or staff?

Mr. Rhodes: Yes, Mr. Chairman. Mr. Leming, I can understand how the different diagrams might be a little confusing. If you look at the back design you do only see three floors. I looked a couple times to make sure I was counting right when I was looking through earlier. But, in any configuration, have they looked at, striking from the six foot couple inch perspective of the fly-bys on the back you could see that you were looking at only a little less than one floor. Were there any configurations or developments that ever would have left it at three floors and then you wouldn't see anything?

Mr. Leming: Curt, you want to address that? I'll let our architect speak to that.

Mr. Rhodes: Thank you.

Mr. Cushwa: Yes sir, the building went through a natural evolution. One of the early schemes actually was a three-story building that was "L" shaped, and that's what some of the neighbors saw. The first iteration of that had a sloped roof which blocked the view and the neighbors didn't like that so we had to get rid of the sloped roof. We still kept the "L" shaped three stories but then we ran into a problem with the Fire Marshall. He is requiring that he be able to drive a fire engine behind the building, maneuver it and get it back out. And with those constraints, we could not get the minimum room count that Marriott was requiring. So, we were forced to get rid of the "L" shaped configuration and the only way to get it in there was to reduce the footprint which required us to go higher. When we did that, we worked on the site and lowered the hotel even further so that even though we gained one floor, we didn't get a floor in height. We gained less than a floor in height; so we were listening to the neighbors. We were minimizing the height of the building as seen from Derrick Lane. And the building that we're showing now is only inches higher than the three-story "L" shape that they saw before, because of their concern. But we were forced to go that way because of the Fire Marshall.

Mr. Rhodes: Okay.

Mr. Leming: In every iteration, there was visible, as Curt indicated, either the roof that was originally contemplated here or the top portion of the top floor.

Mr. Rhodes: It was just striking in your nice presentation just that if it were three floors, I don't think you'd see but one little spot. You might see barely a corner of a roof and a portion. That would sure be impactful. Is there any more well-developed landscaping plans than just using the four or five larger more mature trees that were represented on that presentation?

Mr. Leming: Gary, can you provide more detail on the landscaping?

Mr. Kniseley: Absolutely. We have a detailed landscaping plan...

Mr. Rhodes: Okay. I assume we'll probably... Mr. Mitchell is not here and we'll probably put this in committee and continue it and that certainly would be something very significant between if you ever

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did figure out a cool three-floor plan and then you had a good landscaping plan, that would probably be a pretty nice vista for perpetuity. Thank you.

Mr. Leming: Do they not have the landscaping plan in their materials? You all should have the landscaping plan.

Mr. Rhodes: Well, yeah, I see the few circles. I meant his presentation certainly gave you a different dimension and perspective than the circles that are drawn on the one GDP.

Mr. Leming: Why don't we see what we can do to come up with something that would better illustrate the landscaping.

Mr. Rhodes: Thank you. Thank you Mr. Chairman.

Mr. Fields: Thank you Mr. Rhodes. Anyone else? Ms. Kirkman.

Ms. Kirkman: I do agree with my colleague that anything you can do to further lower the height to make that less visible is important. As well as the landscaping piece, we still need to hear from staff. I just want to remind staff we still need to hear from them about the requirements around the buffer with the different land use. And, in particular, what the speaker seemed to speak to was that the type of buffer that exists between the existing hotel and the residential area has made that at least bearable and I don't see that kind of buffer for the rest of the landscaping and that that could really make quite a difference I think in terms of how I would look at this project. And then I guess the other thing I wanted to point out was the gentleman was correct. There aren't ninety-five parking spaces on this plan and it's drawn to scale, and this is a densely packed GDP... I mean, there's really just not a lot of room on this thing. So I would want to see where those additional parking spaces are going to be put in.

Mr. Leming: We have to show the correct number of spaces.

Ms. Kirkman: Yeah. So, I just want to point out I did a quick count and I don't think you've got the correct number on here. And then there were several references to the acquisition of the property. Unlike Mr. Fields, this is my first time through this. What are the neighbors referring to?

Mr. Leming: When this application came through the process the first time, Mr. Gillani had purchased the property through a third person. And the Elkins, I think, were surprised that Mr. Gillani ended up with the property. Mr. Gillani went to the Elkins and offered to return the money and give the property back to them but they declined that. And there have been a number of meetings with the Elkins since that time. So, basically a third person purchased the property, Mr. Gillani ultimately purchased the property and that was brought out at the public hearing that occurred at the Planning Commission last time this came through.

Mr. Fields: Alright, any other questions? Again, Mr. Mitchell is not here and there is obviously some questions, so I think at this point we've still got a lot to do tonight if we could get a motion to defer at least to the next meeting. And then when Mr. Mitchell is here we'll see where he wants to go with that.

Mr. Leming: Okay.

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Mr. Fields: Is there a motion?

Mrs. Hazard: Yes, Mr. Chairman, motion to defer to the first meeting in October which I believe is the 6th.

Mr. Fields: The 6th, I think so.

Mr. Rhodes: Second.

Mr. Fields: Second by Mr. Rhodes. Any discussion? All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Fields: Aye. Opposed? The motion carries 5 with 2 absent. Thank you all for coming here and offering all of your thoughts and comments, and we'll start working on it. Okay, we have another public hearing, number 13, Amendment to the Zoning Ordinance. We've got a little clearing out to do. We'll take just five minutes, we've got a lot of stuff to but we'll take a five minute recess.

The meeting reconvened at 9:24 p.m.

Mr. Fields: We're back. Okay, item number 13.

13. Amendment to Zoning Ordinance - Amendment to Section 28-25, Definitions of Specific Terms, of the Zoning Ordinance pursuant to proposed Ordinance O10-29. The amendment modifies the definitions of "*dental or medical clinic*" and "*dental or medical office*". The amendment establishes definitions for "*principal health care provider*" and "*other health care provider*." (**Time Limit: September 15, 2010**)

Mr. Stepowany: Thank you Mr. Chairman and members of the Planning Commission. Item number 13 is an amendment to the Zoning Ordinance. It pertains to proposed Ordinance O10-29. Computer please. Thank you. Ordinance O10-29 pertains to the medical/dental clinics and offices. The Planning Commission is to consider a proposed amendment to Section 28-25 entitled Definitions of Specific Terms of the Zoning Ordinance pertaining to the definitions of medical or dental clinics and medical or dental offices. On March 16th, 2010, Ordinance O10-14 was approved to permit medical and dental clinics as a by-right use in Commercial Zoning Districts. The current definitions of medical and dental offices and medical and dental clinics list types of health care professionals as physicians, dentists, orthodontists, optometrists, ophthalmologists, chiropractors, psychologists, psychiatrists, physical therapists and any similar profession. In making its recommendation for approval of the Ordinance O10-14, the Planning Commission raised concerns that current definitions exclude some health care professionals and the definitions do not stipulate that a licensed professional has to be licensed in the Commonwealth of Virginia, and similar professionals need to be licensed or certified. On April 6, 2010, the Board approved Resolution R10-102 referring this Ordinance, O10-29, to the Planning Commission for recommendation by July 5th, 2010. On June 2nd, 2010, the Board approved

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Resolution R10-186, by request of the Planning Commission, to extend the time limit for a recommendation by September 15th, 2010, which is tonight. The Planning Commission was authorized to make any modifications to the amendment as it deemed necessary, and on August 18th, 2010, the Planning Commission approved tonight's public hearing. In general, the Ordinance expands the list of professionals providing health care services by amending the definitions to refer to "principal health care providers" and "other health care providers". The definition of principal health care provider is "a health care professional licensed to operate in the Commonwealth of Virginia who provides care to patients and may refer patients to receive referrals for specific medical, dental, or psychiatric services particularly in an outpatient setting. For the purpose of this Chapter, principal health care provider shall include licensed physicians, dentists, psychiatrists, and physicians specialists such as dermatologist, dental surgeon, ophthalmologist, and similar physicians". The definition of other health care provider is "a health care professional who may provide patient care, patient support, or ancillary medical services under the supervision of a principle health care provider. For the purpose of this Chapter, this shall include nurse practitioners, registered or licensed practical nurses, physician's assistant, dental hygienist, sonographers, phlebotomists, or similar Commonwealth of Virginia licensed or certified medical professions". The proposed amendment addresses the issues raised by the Planning Commission and approved in O10-14. The amendment better clarifies as to who is a health care professional and stipulates that the professionals are licensed or certified by the Commonwealth of Virginia. Staff would request the Planning Commission forward a recommendation of approval to the Board of Supervisors and I will be more than happy to answer any questions the Planning Commission may have. Thank you.

Mr. Fields: Any questions for staff? Alright, hearing none we will open the public hearing which looks to be fairly straightforward. In that case, I think we've covered pretty much all the bases. I'll open the public hearing officially. Is there anyone that wants to speak for or against the Ordinance? Seeing no one stepping forward, I will conclude the public hearing. Does anyone wish to make a motion to recommend approval to the Board of Supervisors?

Mr. Rhodes: Mr. Chairman, I make a motion for approval of...

Mr. Fields: It's to recommend approval of O10-29 I think.

Mr. Rhodes: There we go... proposed Ordinance O10-29.

Mr. Fields: Okay. Is there a second?

Mrs. Hazard: Second.

Mr. Fields: Okay. Any discussion? Alright, hearing none, all those in favor of recommending approval signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

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Mr. Fields: Aye. Opposed? Alright, the motion carries 5 with 2 absent. Alright... that was easy. Okay, back to number 1; backed where we started. Amendments to the Comp Plan. You know, a piece of housekeeping in case staff and different people are here... just before we get to number 1. As you guys know or should have known, but maybe don't because this is my district and I've had the conversation with staff, number 2 and 3 are deferred again. I guess we need a motion officially to defer those or are we okay because they requested the deferral and all of that?

Mr. Smith: Mr. Chairman, I think you don't need a formal motion since the applicant requested the deferral.

Mr. Fields: Okay, thanks. So, we've deferred and I still have not been able to coordinate schedules to meet on site and we are trying to resolve some adjacent property owner issues and stuff like that.

Mrs. Hazard: Mr. Chairman, just to highlight, it appeared in the request from the applicant that they did recognize if there was an impact on that shot clock that they were waiving that and that they were fine with that so that we were covered on that particular portion of it; just to make that clear.

Mr. Fields: Okay, that's a good point. So, anyway, I should, sometime within the next week I should be able to coordinate our schedules and get out there. So, we don't have that. Item 7 is of course pending. Number 8 and 9 are not on this meeting. So, I guess we have number 4, 5 and 6 and, you know, I know we still have some Comprehensive Plan things to do and we have a November 15th time limit; does anybody have a problem if we, or is there a technical issue or does anybody have a problem if we move those to another meeting? I mean, we can do them tonight if we feel like it. I'm just thinking of time and focus at this point. Is there a compelling reason that we need to get started on these this evening? Because I see some staff... I don't know whether any staff is here for those items.

Mr. Harvey: I'm not aware of anything compelling. I guess the question would be is there anything that the Commission would want us to explain further beyond what we already have in the memorandum to you.

Mr. Fields: Okay. Maybe, with the indulgence of the Commission, before we go back to number 1, we'll move 4, 5 and 6 to the next meeting but does any Commissioner have a specific technical question about the materials or the presentation that could be prepared for the next time that would help expedite the process? Give me a couple seconds, you know, I'm just flying by the seat of my pants here so nobody's prepared to answer that question. So take a moment if you need to. Mrs. Hazard points out on number 6 that on the cover letter, on the first page of our item number 6, stapled together, the bottom line is "staff recommends that the Planning Commission authorize a public hearing for its October 6, 2010 meeting". But that's simply a procedural... we have a time limit. It says the time limit is October 16th? Is that true of all of them?

Mr. Harvey: On the agenda, we have a time limit of November 15th.

Ms. Kirkman: How many meetings do we have in November before the 15th?

Mr. Fields: Is the 15th a meeting day?

Ms. Kirkman: That's what I'm trying to figure out.

Mr. Fields: I can find that out. I've got it right here. The meetings are the 6th...

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Mr. Rhodes: The 15th is a Monday.

Mr. Fields: Of October?

Mr. Rhodes: No, November.

Mr. Fields: November, right.

Ms. Kirkman: So we've got one meeting in November...

Mr. Fields: Yeah, we have the 3rd which is the day after Election Day. I don't know that that affects us this year or not.

Mr. Harvey: Mr. Chairman, that October 16th reference is a misprint.

Mr. Fields: Okay. So, if we authorized a public hearing on November 3rd, which gives us another meeting at least to talk about it, we'd be okay? If we discussed it at the October 6th meeting, we would have more than enough time I think, right?

Ms. Kirkman: Right, to get it to public hearing.

Mr. Fields: To get it to public hearing.

Mr. Harvey: Correct.

Ms. Kirkman: I move that we move those items to the October 6 meeting.

Mr. Fields: Okay. Motion by Ms. Kirkman to move 4, 5 and 6 to the October 6 meeting. Is there a second?

Mr. Hirons: Second.

Mr. Fields: Second by Mr. Hirons. Any discussion? As we proceed through, Jeff, if we've jumped ahead of the game here, if you see a reason to stop us just tell us. But, at this point, I'll call for the question. All those in favor of moving items 4, 5 and 6 to October 6, signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Fields: Aye. Opposed? Alright. So, in case we had anybody waiting around for that... which gets us to the Comp Plan and then the Planning Director's Report, etcetera, etcetera. Jamie is out of here. See? I knew I could get somebody home early. Okay, thanks folks for sticking around... sorry about that.

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1. Amendments to the Comprehensive Plan (Time Limit: October 20, 2010) (In Comp Plan Committee) - Continued

Mr. Zuraf: And now we're going to speed through the Comp Plan...

Mr. Fields: Now we're going to speed through the Comp Plan. Sorry Mike. Okay. Let's see, do we need to do a quick review of where we stopped?

Mr. Zuraf: I believe we pretty much ended at the growth projection tables. But before we go further, I actually want to backtrack a bit. And something that was not pointed out in the memo was that there were other changes to the Land Use Map that were not highlighted. The map did include a new category called Mining and Extraction. There was suggestion from the committee to revise and designate the mining areas such as like Vulcan as industrial. Staff suggested an alternative to that is to actually recommend your designating it what it is so it's more clear, the Mining and Extraction designation. And the committee said that's a good idea and make that change. So, the map does designate the Vulcan site off of 610 as Mining and Extraction, the areas that basically are zoned for that and approved for that. And I can go... if we can go to the computer, I can point out those areas. The Mining and Extraction is the brown shaded area in this location off of 610. In that area we also then designated the approved Vulcan Quarry site in Westlake. This brown area here designates this specific area approved under the conditional use permit and zoning in that area. And then we also designated the sand and gravel mining in the area along Route 3, between Route 3 and the Rappahannock River down in South Stafford, representing the sand and gravel mining areas. That was one of the changes. And there was also a suggestion to... one of the changes from before was to... one of the previous changes to the Centerport and George Washington Urban Development Areas was to designate a quarter mile segment as business and industry to the west of Interstate 95 instead of Urban Development Area. The follow-up suggestion was to actually make that I guess a corridor on both sides of Interstate 95 between Truslow Road up to Courthouse Road. So, it was previously changed in these areas where the Urban Development Area was reduced, but it was since added to the areas to the east of Interstate 95. And it's basically just a quarter mile buffer from the edge of Interstate 95 on each side. I wanted to point that out. Now I think we're onto point 5 which we...

Ms. Kirkman: Actually, we never really got to discuss the individual UDA maps. Is now the time...?

Mr. Fields: Well, I mean now is the time to talk about all of this. That's why I tried to clear the table; we really have to do this tonight pretty much. Well, we don't have to but, I mean...

Ms. Kirkman: So my question was and actually it's the same question for each of them except for Leeland Station. The former drafts... the difference between the former draft and the current draft. So, for instance, for the George Washington Village UDA, the difference is that one is now 451 acres smaller. How... what 451 acres came out and how was that decided?

Mr. Zuraf: Okay, if you can go to the computer again, go to the George Washington Village individual UDA map. It might be "D". Okay. The areas the 400 plus acres removed consisted of the areas to the south of Courthouse, between Courthouse and a point 500 feet south of Courthouse Road. So, it's basically the strip that I'm running the pointer across. And then also the quarter mile area to the west of Interstate 95...

Ms. Kirkman: So, if you could back up... what's the rationale from removing the edge of the UDA from one of the primary transportation corridors which is Courthouse Road?

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Mr. Zuraf: I believe it was to focus the more intense development away from the main road corridor. I don't know if you recall, Jeff?

Mr. Hirons: Yeah, that's correct. That's exactly the rationale that was given.

Mr. Zuraf: Okay. And then that would be the same situation; the other reduction was a 500 foot segment to the north of Ramoth Church Road where that was removed.

Ms. Kirkman: So, what will go in there now is suburban?

Mr. Zuraf: Down in that area is business and industry. Business and industry is in this area and then actually then that quarter mile corridor...

Ms. Kirkman: And what's the difference of what you would see in business and industry versus the commercial portion of a mixed use development?

Mr. Zuraf: Well, in business and industry you may more likely get industrial buildings, more like maybe flex warehouse uses, maybe more suburban style like office development uses. As opposed to a mixed use commercial that may be more intense, more pedestrian-oriented, maybe a mix of different types of commercial uses. But it may be a more intense commercial development, probably more oriented towards office development.

Ms. Kirkman: Is there a difference in the Floor Area Ratio?

Mr. Zuraf: The Floor Area Ratio in the office development is .4 and in the business and industry I believe it's either .35 or .4. So, not a difference there.

Ms. Kirkman: Okay.

Mr. Fields: It is interesting. The George Washington... aren't they the one that has 10.3 million square feet of commercial square footage?

Mr. Zuraf: That is... yes.

Mr. Fields: So, is the idea, I guess the concept is that there will be like access roads but off of the main roads but nothing fronting the main roads?

Mr. Zuraf: Yeah, as far as the specific how the design is, that's not really been specified.

Mr. Fields: Sure, I know. Nobody has planned specifically; I just wondered.

Mr. Zuraf: And my guess would be it would be more appropriate down in this southern area when you're getting closer to the airport.

Mr. Fields: Is the proximity to the airport part of the reason why this one has exceptionally high... sort of stands out as a lot more commercial square footage than the others?

Mr. Zuraf: I can't speak to that. So that one... which other one... do you want to go to the Centerport?

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Ms. Kirkman: If we could just go through each of them and you could explain what the differences are between the last draft and the changes that got made outside of the Planning Commission. And whatever order is easiest for the computer operator.

Mr. Zura: I don't believe there was any change to Stafford.

Ms. Kirkman: To Widewater?

Mr. Zura: I mean to Courthouse, sorry. There was no change to Courthouse.

Ms. Kirkman: Well, actually, according to the tables, there was two acres taken out. There's a two acre difference.

Mr. Zura: Was that through the actual when you're mapping it out to follow the road right-of-way is actually when you're zooming in and adjusting the map. Yeah, because when this was originally just mapped out on a much larger scale, you actually get down and create these much closer in maps, the lines didn't quite follow the right-of-way like to kind of clean it up and to get it to follow property lines. So that resulted in the slight adjustment.

Mr. Fields: Okay.

Mr. Zura: Was there a minor change in this one as well?

Ms. Kirkman: Which one are you on?

Mr. Zura: This is Southern Gateway.

Mr. Rhodes: One acre.

Mr. Zura: One acre? So it would be the same principle as the other. Do you want to go to Stafford Station?

Ms. Kirkman: The Widewater one? Yes, this one in particular, as you will recall, during the last meeting we were informed that acreage had been taken out and I had asked about what elevation that was... remember? And we had had some discussion about whether or not that was buildable land. Yet when I compare the tape builds, I actually see that it's actually sixty-one acres larger now. I'm trying to match that with the former statements that acreage had been taken out.

Mr. Zura: Yeah, the areas that were removed were the areas between the river and Arkendale Road and the railroad tracks. So, this area was removed and in re-evaluating the needed area, it was determined that well we actually needed more land. There was not enough land designated to meet the criteria and I believe that was a shortfall of 211 acres. And so to accommodate that, what was done then was the Urban Development Area was extended to the east to Decatur Road because the Widewater Parkway is identified generally in this area. And the previous location of the UDA followed this line approximately, and to get that 200 acres back it was decided to extend the UDA back in this direction to the east along Widewater Parkway, in an area that was previously designated as suburban.

Mr. Hirons: Did it move north at all?

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Mr. Zuraf: It moved a little north here because some of this was parkland so we extended that up and you would have park in this area before you got to the RPA.

Mr. Hirons: So, just a little bump north?

Mr. Zuraf: Yes.

Ms. Kirkman: And how did you come up with the boundaries for the parkland in that area?

Mr. Zuraf: In the area when going through and identifying... if we can go back to the map... the idea here was to focus the suburban development along the Parkway and retain as much area along the riparian corridor by locating extra buffers along the stream corridor there.

Ms. Kirkman: And were there any other areas of the County where that was done in conjunction with an adjacent UDA?

Mr. Zuraf: No there was not.

Ms. Kirkman: And what was the... how was that one picked for that?

Mr. Zuraf: Well, this was because you had an area where additional new suburban land use was being added in where in other UDAs it was generally, it was either within the Urban Service Area or you have the one UDA which, the Brooke Station which is not being proposed to connect back to the Urban Services Area, so this was the one area where you had a bigger extension and connection out to an area that was not designated Urban Service Area. So, in adding a new suburban area it was the suggestion to add a wider riparian corridor and separate some of that higher density development from the stream.

Ms. Kirkman: And all of that's designated agricultural now, is that correct?

Mr. Zuraf: Yes, basically from this area.

Ms. Kirkman: Okay, thank you.

Mr. Zuraf: I don't believe there was any change here.

Ms. Kirkman: This is the Brooke... there was a minimal of six acres?

Mr. Zuraf: Yes.

Ms. Kirkman: Was that a mapping or was additional...

Mr. Zuraf: Just a mapping. If you want to go to the next one. The one is Eskimo Hill. What was changed, the previous version that we did show you at the last meeting did have the Urban Development Area following this line all the way down to this property line. And this is basically an offset from the power line easement that runs generally in a north/south orientation here. And the suggestion from the committee was to remove this lower portion from the Urban Development Area which is within the direct flight approach to the airport. So that's what that change represents. And

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prior versions also removed... the prior changes also removed this whole area from the Urban Development Area, and also the land between 95 and Route 1 from the Urban Development Area.

Ms. Kirkman: And that also is now industrial commercial?

Mr. Zuraf: Business and industry in this location, yes. And this area down here, park up to the stream. Beyond the stream here, business and industry. It always has been. Next. Okay, this one the major change from the last time you met was I guess the area was reduced to be located north of Enon Road, but it was determined that it was reduced too much. And they needed to actually add more land. They had to add 360 acres approximately, so the suggestion was to extend the UDA back down south of Enon Road like was previously recommended to go basically down to this stream and stop at this point. And I believe the prior versions had this quarter mile buffer along 95 and the previous changes also removed the UDA from this area to the north of Centerport Parkway, which is adjacent to the airport. Those are the changes there. I think the last one was Leeland Station which there was no change.

Mr. Fields: Okay. Does that track all of that? I think that's good; I appreciate that. Anything else on that? Okay.

Ms. Kirkman: I just have a question generally on the UDAs and on the specific requirements... like some UDAs say a middle school but there's no high school, no elementary school. Some UDAs have requirements around parks. Where did those come from? Like was there a need study done? Where did those requirements come from?

Mr. Zuraf: I can't speak to how that was determined. That was a certain element on the elementary school needed versus a middle school. So that kind of was a product of the original kind of UDA proposal.

Ms. Kirkman: The strawman proposal? And is there anybody from the committee that can speak to how the specific requirements for each UDA were developed?

Mr. Hirons: I don't want to say I can speak to specifics of it but I think the general concept was to kind of meet the needs, or the goal was to meet the needs of what we do know of what schools may be needed or necessary. But again, I wasn't the author of it so I don't know where that specifically may have come from, those designations.

Ms. Kirkman: I think that would be really helpful to get some sort of explanation. So, one of the specific questions that I have is around the Widewater UDA, which one of the pieces of infrastructure that's called for is a 1,000 space park and ride lot. And my question is, if the rationale behind the Widewater UDA is to locate it at a rail station, why is a thousand space commuter parking lot needed? So that's a very specific question I had around the Widewater UDA. It only calls for like 3,200 residential units to begin with. But I think those kinds of questions can be asked about just about every one of those things on there is to hear something more specific about what the rationale is that ties that need to that UDA; because if there are proffers, they do have to be related in some way to the impact of the UDA. So, if you could circle back to the committee around that, that would be great.

Mr. Zuraf: Okay.

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Mr. Fields: Do we have any feedback relative to those from the School Board around school sites in the UDAs?

Mr. Zuraf: They provided some other general comments but not related to the schools in the UDAs.

Mr. Fields: Okay.

Mr. Hirons: If I'm not mistaken, they were generally in favor of the Comprehensive Plan draft, correct?

Mr. Zuraf: Yes.

Mrs. Hazard: Mr. Chairman, since we're talking about the general UDA language in general on our specific pages, I guess like 3-19 through, we had some discussions last week... or excuse me, two weeks ago... about our concerns about proffers and certain legal opinions that are out there and how they could impact our approval of potential UDAs or rezonings related to UDAs. And I had some concern I think in that meeting about that issue. And I don't know if there's a way to put some kind of language in each of these descriptions that I believe several of us had concerns; I don't want to speak for my fellow committee members. But something along the lines that we should add something about cash proffers being necessary components for any rezonings that would come along if the infrastructure improvements that are proffered don't meet what is needed to get there. I'm not sure if that's exactly the way to say it but something along that line to make that clear in this plan, that we see that there are cash proffers that may be needed if the infrastructure isn't there and the infrastructure proffers themselves may not do that. So I put that out to this committee to think about if we're thinking of amending these specific descriptions. I had some concerns that were raised in that particular part of the meeting that was closed about that. But I do offer that. This may or may not be the most appropriate time but since we were talking about UDA descriptions, I wanted to put that on the table.

Ms. Kirkman: And Mr. Chair, what's there may be appropriate but I haven't seen any sort of needs or assessment or impact assessment that indicate, that ties the specifics to the UDA. And I guess since we're talking about proffers and rezonings, this is where perhaps our attorney or the consultant attorney could get back to us. I was unclear... we have level of services in the Comprehensive Plan but the dollar figures there do not match our proffer guidelines. So the first question I have is that if this Comprehensive Plan is adopted, do those then automatically become our proffer guidelines or is there a separate legislative step that needs to be taken to make our proffer guidelines consistent with what's in the Comprehensive Plan? And then, related to that is, the level of service guidelines and our proffer guidelines are inconsistent with the specific infrastructure that's listed for each UDA. And so what's the consequence of that when now we have three different things upon proffers could be based, which is the proffer guidelines, the level of service, and any specific infrastructure things that are supposed to be offered but, as far as I can tell, there's no... I hope that gives the County Attorney enough guidance. I'm trying to understand how proffers would work with potentially three different sets of proffer guidelines and which would be the one that would be overriding.

Mr. Fields: Not to mention the fact that, you know, well we had the talk from the consultant, we may not be in a place in the code where we can actually request the levels of proffers that we're implying with these UDAs. I mean, plus you always have to be somewhat cautious because proffers are technically voluntary. And I think that's one of my concerns I've had with these UDAs just from past experience prior on the Board and then now. I mean, a proffer guideline is an important thing to have.

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I certainly always advocated them and always advocated on making them as realistic as possible. But every project has its uniqueness too and ultimately, since they are voluntary, they're negotiated individually each time the rezoning has come to a request. And I don't know that there's... that's one of my concerns with creating these UDAs is certainly I understand the intent as I'm getting it from those that are proponents of this is that the necessary infrastructure to make these UDAs a reality would come through proffers by the developer which certainly sounds great. But that certainly is ultimately at the discretion of the governing body every single time those things are brought forward. There could be a number of circumstances that mitigate or change how proffers are doing or proffers are done sometimes in kind or different types of things, so once you open this theoretical acceptance of this density, the problem is, is without something that's airtight like a Comprehensive Impact Fee, which is a one to one correspondence dwelling unit, you know, write a check; dwelling unit, write a check. When you have proffers that are comprehensive giant, and they get... you know, this is the problem, even with our medium level of zoning authority, they can be all over a map. When the Silver Companies were proposing the Sherwood Forest development in the George Washington District, which is on the Sherwood property here where they wanted 3,000 active adult communities, I mean, I was not supportive of it because easily eighty percent of the people I represented were not supportive of it. It ended up, in one meeting, the final meeting before it was obvious that it just wasn't going to have the support of the community is they put a proffer on the table of paying for the entire fix of the Falmouth interchange after the rezoning.

Mr. Hirons: Mr. Chairman, I don't mean to interrupt you. What you're saying is very useful but I think Mr. Smith was about to answer Ms. Kirkman's questions and it was a very important question I really did want to hear the answer to or hear where we might get the answers from. I'm sorry Mr. Chair.

Mr. Fields: Okay. How nebulous proffers are is all I was trying to say.

Mr. Hirons: I never mean to interrupt you.

Mr. Fields: No, that's okay.

Mr. Smith: I don't know if I can give you a good answer tonight. I will take a look at the issues that you raised and I will bring them to the legal consultant's attention and we'll take a look at that. If there are inconsistencies then generally I would say I guess it would be a policy determination for the Board and how they interpreted the Comp Plan and interpreted those inconsistencies to determine which is their guideline; which one are they going to choose. Certainly I think it's better if there are as few inconsistencies as possible. And I will take that issue back to the legal consultant.

Ms. Kirkman: Then the second issue, just to remind you, is that there's level of services in the Comprehensive Plan which are different than our proffer guidelines, which is done through a legislative act with the Board. When the Board adopts this Comprehensive Plan, do those level of services automatically become the proffer guidelines or does a separate legislative act have to be taken to make them the proffer guidelines? You don't have to answer tonight but if you could get back to us on that.

Mr. Smith: Well, I don't know that anything automatically changes. I think if the Board has certain pieces of legislation, they may be inconsistent. But I don't know that one automatically, because they're inconsistent one automatically replaces the other one until the Board takes the affirmative step of amending that particular piece of legislation.

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Ms. Kirkman: Okay. So they would have to then change the legislation around proffer guidelines to make it match what's in the Comprehensive Plan?

Mr. Smith: If the Board wanted to take that step, yes, they would have to take I believe the affirmative step of actually changing their proffer guidelines. Adopting it somewhere else or having something that was now... adopting something that made it now inconsistent would not automatically change an existing piece of legislation without the Board taking that affirmative step.

Ms. Kirkman: Okay, thank you.

Mr. Fields: Proffer guidelines are a very... my experience was that the proffer guidelines are a very discretionary step on the part of the Board. So there's nothing implied that you even have to have proffer guidelines. Some counties still contend that you, because proffers are voluntary, that you cannot even legally have proffer guidelines. Anyway, next? So, did that answer your questions or your concerns?

Mrs. Hazard: It was sort of to get that issue out there and the legality and where we were. I mean, I think it was something we had discussed and I am curious about whether we can request cash proffers in a rezoning based on infrastructure. I mean, that's actually an issue we somewhat talked about.

Mr. Fields: Certainly we can but right now we're limited into what's called the rational nexus of the proffer request and the infrastructure are much tighter. If we adopted the broader conditional zoning authority that's available that's used by our northern neighbors we would have more discretion on what cash proffers we could ask for. Right now we are a little bit bound by a direct, that nexus of direct impact of that specific project to that specific piece of infrastructure.

Ms. Kirkman: Which is part of the reason why I was asking for the rationale for the infrastructure for each UDA.

Mr. Fields: Sure, exactly, because right now we have to match it a little tighter.

Mr. Rhodes: Mr. Chairman, might we ask from legal counsel then the steps that would be necessary to be able to implement something like Mrs. Hazard suggested?

Mr. Fields: Sure. The consultant last time I think started us in that direction but we probably need to... a final opinion on this Comp Plan probably needs to involve an opinion and understanding of that process.

Mr. Smith: Just to clarify, Mr. Chairman, the Commissions' will is to look into both amending the language in the draft Comp Plan, I guess, in a general way to strengthen the language about the infrastructure needs and the requests that the County would have for adequate infrastructure. And also the future steps that would be necessary to change the actual zoning authority, the conditional zoning authority that the County utilizes.

Mr. Fields: Yeah.

Ms. Kirkman: I don't want to speak for my colleague but I think I heard a little bit more to it which is not just that the infrastructure... strengthening the ability to make sure the infrastructure needs are met

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but strengthen the ability to collect cash proffers, which is a little different than infrastructure. Is that correct Mrs. Hazard?

Mrs. Hazard: Yes. I think we need to understand how it works and recommendations from your office too. It may not even be right now a language change; it's here's what the authority is. Now here's how if they conflicted the steps we could take to remedy it. Does that help?

Mr. Smith: It does, thank you. I understand.

Mr. Fields: Okay. Alright, are we good with that? Good. Next item... where are we?

Ms. Kirkman: Number 2.

Mr. Fields: We're at number 2? Build-out tables? Is that where we're at?

Mr. Zuraf: We're down to the fifth point where we've added in the build-out table into Appendix D which is on page A-27 in the final clean version of the Plan.

Mr. Fields: So, we can't let that one slide. We voted 6 to 1 to amend the draft of the Comprehensive Plan as a body to have that build-out table sitting on the page I thought where it was. I did not understand the motion to say that we wanted to include the build-out table in the Comprehensive Plan anywhere located in the Comprehensive Plan at someone else's discretion. I thought it was very clear from the discussion that we intended it to be where it was, which is a part of the body of the Comprehensive Plan. I don't see how you can change something... you know, ideas that float around and requests and ideas, what we say that's one thing. I don't see, and I'm not pointing my finger at you Mike, I'm not shooting the messenger, I don't understand the process where is the Planning Commission as a body votes 6 to 1 to make something part of the draft that it intends to go to public hearing that a committee or combination of people somewhere outside of this body assembled as it is can change that. I don't understand how that's possible. Or desirable. Was this the recommendation then of the joint committee to move it to the Appendix? Is that how that happened? I mean, anybody.

Mr. Zuraf: I don't recall.

Mr. Fields: I'm not yelling at you, Mike. I would be less than honest if I didn't say I wasn't happy about that eventuality.

Mr. Zuraf: I don't recall it being specific.

Mr. Hirons: Mr. Chairman, I would actually say our motion was to include the build-out plan within the Comprehensive Plan somewhere. I don't even think we got specific because I thought we had a specific discussion about generally, yeah, we accept it being in there. And one of the things we wanted to make sure was the language was tight about what exactly it was and the methodology that was used. So, yeah, sure it was moved but I don't think we said don't move it.

Ms. Kirkman: Mr. Chair, I made the motion to retain that plan, that table, in the Comprehensive Plan and I did that with the understanding that it would be retained where it has always been in former drafts which is in the body of the Comprehensive Plan. And I would like to know from staff how somehow this draft got prepared with this in the Appendix. How did that happen? Somebody made the move.

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Mr. Fields: Yeah, and Mr. Hirons' point is well taken but...

Mr. Harvey: Mr. Chairman, I'll take the hit for that. It wasn't in the previous version that we discussed with the Commission. The Commission said to put it in the Plan. I don't remember if I specifically made that recommendation but that's what we did.

Mr. Fields: Okay.

Ms. Kirkman: Can we get it back where it was in the original draft?

Mr. Fields: That's certainly my intention, you know, if we want to revote or rediscuss it. It was certainly my implication... I certainly had that as well but that was my thinking, that it was in the... the whole point was to try to create apples and apples with previous versions of the Comp Plan so that we had some point of reference.

Mr. Hirons: I personally think it's appropriate in the appendix and I would argue that it was almost where it was and the fight might be for where it is for pure political reasons.

Mr. Fields: Could be. Anybody else have an opinion about whether it's in the appendix or in the body?

Mr. Rhodes: Mr. Chairman, I would just submit that the last time when we talked about this, and again, the motion did not specify where it would go, but the last time we talked about this it is truly the maximum possible under any conceivable scenario number of build-out that could possibly exist and nobody thinks this will actually ever be the number, so let's not lose sight of that fact that it's the largest number you can possibly come up with. And so I don't know that an appendix is not the appropriate place. It does have it, it does have it as an identified item, but I don't know that it necessarily needs to be a centerpiece of the Comprehensive Plan.

Mr. Fields: Well, I will say this... since the maximum build-out in the 2008 Plan was done on the same principle of simply taking all of the land use and calculating the mathematical build-out, you got the total number at the end of the day was 73,595. Well, under the rules that you're saying, that's the most possibly conceivable under a mathematical analysis that will never happen. That's the most if you extend that logic. And here we have another plan that comes along and exceeds this number which, at that time, we said this is the theoretical absolute maximum; we don't expect this all to build-out. But here is the theoretical absolute maximum. We come down with another plan and we can see that if you reorient the plan, you can call for a number that exceeds that, that almost doubles that. So, the maximum number is the maximum number. Yes, there's factors of the economy and the market place and zillion factors that affect how many of those are going to be built out how fast over time. Everybody acknowledges that. But the idea that that's, you know, that this is the maximum build-out under this scenario. Well, there's another scenario now that's being proposed that has a number that where half of that is greater than this total maximum. That says that that number does have a great relevance and the fact that it's never going to be built out is not necessarily the compelling argument.

Mr. Rhodes: Mr. Chairman, I would take every word you said and say that could also be another reason that it's not the centerpiece, it's not the locking in point of it and that it may be just as appropriate in the appendix. For every reason you exactly said.

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Mr. Fields: Well, that's valid. I think the point is that it's the only apples and apples thing you can do because every other build-out scenario has assumptions which are very logical to do if you're trying to get a realistic handle on how many units are going to be built in ten years. But to do that you have to make, which is just the nature of the game... I'm not saying it's wrong... but you have to make massive input assumptions to get an output decision. And so this is the only way that I know of of simply doing the math. This takes no assumptions other than that. You take the land use and you multiply it out. And of course it's not a realistic, there's too many factors that mitigate against it, but it allows you to look at what is the general potential. If you say the sum percentage of the maximum will be built out and your maximum is seventy-some thousand, and then the other maximum is however many... I can never figure out what that other number is going to be; at our last meeting it was 161 or 141 thousand... whatever percentage is logical to be built out is obviously going to be a greater number if you have a greater maximum. You know, whatever absorption rate over whatever period of time at whatever thing. So, I think it's a way of comparing things and I think it's valuable in the body of the text. So, I guess we are going to need to make a motion or make a vote on this because we're not in agreement on it.

Ms. Kirkman: Well, Mr. Chair, actually what I am going to do instead of making a motion is to make a point of order. And the point of order I am going to make is that I, as the motion maker, clearly intended this to be in the main body as that is where it has always resided. And we've had staff say that they are the ones that moved it to the appendix. So I am going to make a point of order that that was the intent of the motion as I made it.

Mr. Fields: Alright, I'm not sure, I'm not sure...so...

Ms. Kirkman: I think you as the Chair have to rule on...

Mr. Fields: Rule on the point of order? I guess I would say it is a valid point of order. It was not specific to the motion where it was included. You had the assumption, I obviously had an assumption, obviously other Commissioners had a different assumption. I think that's the problem. Everybody... we were not specific about it.

Ms. Kirkman: And Mr. Chair, I will add I wasn't specific because I never imagined somebody would move this to an appendix given that it has always been contained in the body of the Comprehensive Plan.

Mr. Fields: It was in the 2008, was it contained in the June 17th one as well?

Ms. Kirkman: There was no, there was no build-out in...

Mr. Fields: No build-out.

Ms. Kirkman: Yeah.

Mr. Rhodes: Well, it was always contained; wait... that's inconsistent.

Mr. Fields: It was always... it was contained in the 2008 plan where the last build-out...

Ms. Kirkman: Every time it's been included in a Comprehensive Plan.

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Mr. Rhodes: I heard it was always contained in the plan and this was the first time it wasn't. So June wasn't?

Mr. Fields: June didn't have a build-out.

Mr. Rhodes: Ah, okay, but it was always contained.

Mr. Fields: Yeah, well, I guess if it didn't exist then it couldn't have been contained but that's a moot point.

Mr. Rhodes: True.

Mr. Fields: Well, you know, folks, I don't know what to say. I don't want to make this a major point of contention. To me it was clear that it belongs in the body of the text.

Mr. Hirons: Then I would be willing to make a motion to leave the build-out table in the appendix where it currently is.

Mr. Fields: Alright, motion by Mr. Hirons.

Mr. Rhodes: This is ridiculous. Second.

Mr. Fields: Second by Mr. Rhodes. Okay, any further discussion? We've been harping on this one so I think we have all made our points, we all know where we stand. All those in favor of Mr. Hirons' motion to leave this in the appendix, signify by...

Ms. Kirkman: To move it. Excuse me.

Mr. Fields: To move it to the appendix.

Ms. Kirkman: To move it to the appendix.

Mr. Fields: Or have it reside in the appendix, signify by saying aye.

Mr. Rhodes: Aye.

Mr. Hirons: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Opposed?

Ms. Kirkman: Nay.

Mr. Fields: No. So it now resides in the appendix by a 3 to 2 vote.

Ms. Kirkman: So Mr. Chair, since it's been relegated to the back of the book, I have a second motion. And my motion is the page where the maximum land use build-out is referred to, that at least at a minimum since sometimes appendix have a habit of getting separated from the main body of the

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document, that there be added to this paragraph regarding maximum land use build-out, what the number of the maximum land use build-out is in a summary.

Mr. Hirons: What page is that?

Ms. Kirkman: On the marked up copy it is page 3-56. So my motion is to add to page 3-56 of the marked up copy a sentence stating the total number of residential and the total square footage of the commercial under the maximum build-out with a summary of how much is inside and outside the urban area.

Mr. Fields: Okay. Is there a second? I will second it. Okay, that would at least identify the numbers and then point to the appendix.

Mr. Rhodes: What were all the numbers we were adding to this summary?

Mr. Fields: The number was the...was it the summary by category?

Ms. Kirkman: Sure, so if you go to the maximum land use build-out table now residing in appendix D in the back which is page A-30.

Mr. Fields: A-3 of what, that is not what I have on A-3. On the marked up copy?

Ms. Kirkman: On the marked up copy.

Mr. Rhodes: The maximum potential land use build-out, yes.

Mr. Fields: That is not what I have on A-3.

Mrs. Hazard: A-27.

Mr. Zuraf: The clean version it is A-27.

Mr. Fields: A-27, okay. That is not it either.

Mr. Rhodes: It's A-30 on the marked up and...

Mr. Fields: Okay, thank you.

Ms. Kirkman: Are you in the back? You got it now?

Mr. Fields: I got it.

Ms. Kirkman: So that there simply be a summary of something along the lines of suburban urban business industry other total inside. Agricultural Urban Services Area... so it would just be the bottom line of each of those sections and it does not even have to have all of those columns, just put the total units and square footage.

Mr. Fields: Okay, so the last two columns the lines that say subtotal and total and the last two columns that indicate total dwelling units and nonresidential square footage.

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Ms. Kirkman: Yes, without all the detail.

Mr. Fields: Okay.

Mr. Rhodes: Could we see that put to... so... one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen...

Mr. Fields: It's nine lines, a few numbers on each line.

Ms. Kirkman: Yep.

Mr. Rhodes: Six, seven, eight, what is the ninth? Subtotal suburban...

Mr. Fields: I think I've got it right.

Mr. Rhodes: Subtotal urban inside.

Mr. Fields: Right.

Mr. Rhodes: Subtotal business industry inside...

Mr. Fields: That's three.

Mr. Rhodes: Subtotal other...

Ms. Kirkman: Inside, that's four, then...

Mr. Rhodes: Inside the Urban Services Area totals?

Ms. Kirkman: It depends on how many lines you want, that one is not...

Mr. Rhodes: I am trying to figure out what lines we just talked about here. You just said...

Mr. Fields: All the bottom lines total nine, but we could... we could... then again I don't know.

Ms. Kirkman: Could we...

Mr. Fields: It would be easier to just put the table in there.

Ms. Kirkman: Why don't we just do this, I could certainly live with this; County wide projections inside the Urban Service Area, outside the Urban Services Area total and the total number of dwelling units and the non-residential square footage. That would be a one, two, three...

Mr. Fields: Three lines...

Ms. Kirkman: A three by two table.

Mr. Fields: Three by three, well yes, three by...

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Ms. Kirkman: Three by three because you have the column.

Mr. Fields: Right. Okay, so that is the motion to include...

Ms. Kirkman: That's the motion.

Mr. Fields: So a column saying inside the USA, total dwelling units, non-residential square footage, a line saying outside the USA, total dwelling units, non-residential square footage and then a total...

Ms. Kirkman: Total line.

Mr. Fields: Total of the two lines.

Mr. Rhodes: So it is the bottom right hand corner of A-31 on the marked up page?

Mr. Fields: Correct.

Ms. Kirkman: That is correct.

Mr. Rhodes: Six boxes.

Mr. Fields: Six boxes.

Mr. Rhodes: And just to clarify this is actually, we voted last time to call this the maximum potential land use build-out, right?

Mr. Fields: Right.

Mr. Rhodes: So there is a word missing in the D title up there, I just noticed. So in the chapter heading... I mean the paragraph heading on 3-56 it would be Maximum Potential Land Use Build-out.

Mr. Fields: Correct.

Ms. Kirkman: Yes, that is correct.

Mr. Rhodes: So we would have those numbers represented or a little chart with those things...

Ms. Kirkman: A one line sentence with the total.

Mr. Rhodes: Okay.

Ms. Kirkman: And then a chart, the six cells that we talked about.

Mr. Hirons: Both.

Mr. Rhodes: Okay.

Mr. Fields: Okay.

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Mr. Zuraf: For clarification the three columns...

Ms. Kirkman: Yes, Mr. Zuraf.

Mr. Fields: Three rows.

Ms. Kirkman: I think...

Mr. Fields: We have a...

Ms. Kirkman: The six cells are, the first column is, the titles inside the USA, outside the USA total.

Mr. Zuraf: Okay.

Ms. Kirkman: The second column is the total number of dwelling units and the third column is the non-residential square footage.

Mr. Fields: Okay, does everybody understand the motion? All right, all those in favor...

Mr. Hirons: Can we have discussion first?

Mr. Fields: Absolutely, sure.

Mr. Hirons: I think it is absolutely ridiculous. The only reason this is being done is for political reasons so it can be highlighted and letters to the editor and everything else as look what is happening. Look at this big number. The appropriate place for this table is in the appendix, exactly where we just voted to leave it.

Ms. Kirkman: Mr. Chair, I made the motion that I did because as we have heard from staff just about every other Comprehensive Plan includes the maximum potential build-out. That is a really important number because that does represent what could over the course of time take place. And none of us know the horizon of it, but this is a twenty year plan and that is the potential of what could happen and it is important for people to understand that.

Mr. Fields: Alrighty, any other discussion? Alright, all those in favor...

Mr. Rhodes: Mr. Chairman.

Mr. Fields: Yes sir.

Mr. Rhodes: I'm sorry, Mr. Chairman, because I just want to do this forever, so as part... we are editing this last paragraph on page 3-56. I would wonder if we could as part of that if there would be consideration, we have already said we need to correct the title to Maximum Potential Land Use Build-out.

Mr. Fields: Right.

Mr. Rhodes: I was wondering if there would be consideration on the second line of the text, of the narrative where it says that could occur, to add the word conceivably because that fits better in

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accordance with the maximum density... if it was utilized in the maximum densities recommended. Just reinforcing the extreme representation of what this really is. I just... I don't even know that the sentencing there actually...

Mr. Hiron: That is exactly why it is so confusing and it just confuses.

Mr. Rhodes: Yes.

Mr. Hiron: Someone who can't do math.

Ms. Kirkman: So, oh Mr. Chair.

Mr. Fields: Yes Ma'am.

Ms. Kirkman: We have a motion on the floor.

Mr. Fields: Right.

Ms. Kirkman: We should vote on that. And then I would encourage Mr. Rhodes to make his motion.

Mr. Fields: Alrighty. We need to move on. Okay, so the motion on the floor is to add the table, the six cell table here.

Ms. Kirkman: And the one line.

Mr. Fields: And the one line potential in the other thing. Okay, here we go, so all those in favor signify by saying aye.

Ms. Kirkman: Aye.

Mr. Fields: Aye. Opposed?

Mr. Rhodes: No.

Mr. Hiron: No.

Mrs. Hazard: Nay.

Mr. Fields: Motion fails 2 to 3. Alright, it is in the appendix. Hopefully everybody will be able to find it.

Ms. Kirkman: Well Mr. Chair, hopefully...

Mr. Fields: I might make a recommendation that...

Ms. Kirkman: (Inaudible)... stay with the body of the plan.

Mr. Rhodes: Look at all the conspiracy theories...

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Mr. Fields: Okay, let me just ask... I do want to ask a thing about the appendices, just technically that... and this has really because we are dealing with them in general and in the future. I suppose it is possible in the final draft if we have like the different appendices, instead of just having A dash and all the numbers, could we have like for appendix A have A dash and whatever number and appendix B, B dash and whatever number. So by scanning down at the bottom of the page you could see which appendix you are looking for.

Mr. Zuraf: I can do that.

Mr. Fields: Does anybody have a problem with that? That makes it easier to find things. Thanks.

Mr. Zuraf: No vote for that?

Mr. Fields: No, that is just... I am trying to keep things... Alrighty, okay well I guess that is all we have for build-out plans other than the change of the numbers, right?

Ms. Kirkman: Mr. Chair it is not, the motion was... we understood that the build-out numbers would change somewhat based on the acreage that had been removed from the Urban Services Area, but we also discussed that the RPA needed to go back in. This 4,956 acres that is listed in the Maximum Potential Build-out Table does not appear to include the RPA. And so that is the first point. The second point is the build-out for total dwelling units that is listed is 14,000, the methodology... we agreed that the same methodology would be used that was used for the 2008 build-out. If you have 4,956 acres at ten dwelling units per acre, that is a lot more than 14,000; so clearly there is an error there.

Mr. Zuraf: Yes, for clarification, afterwards staff received clarification from the subcommittee that the intent was to put in the UDA projections of fourteen thousand.

Ms. Kirkman: That is not what the Planning Commission voted on. I very clearly stated in my amendment and we had much discussion about it that this was to be an apples to apples comparison of maximum potential build-out. That is why it is called, as we all agreed, Maximum Potential Build-out. It is not sort of maximum potential build-out except for in the UDAs. It was a 6 to 1 vote on the Compre... by the Planning Commission and I don't think there is any authority for a committee that is not a part of the Planning Commission to change that arbitrarily without it going back through the Planning Commission.

Mr. Fields: What was the number we had last time we were looking...

Ms. Kirkman: It was 161,000.

Mr. Fields: Right.

Ms. Kirkman: Total.

Mr. Fields: I know that number; I meant what is the Urban... what is the UDA number?

Mr. Zuraf: The UDA total before was 58,614.

Mr. Fields: Which again is just iterating...

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Mr. Zuraf: The ten units per acre.

Mr. Fields: The ten units per acre, right. Well, we are back... this is where we started. I don't know...

Ms. Kirkman: Mr. Chair, as a point of order. That was very clear in the discussion and that was very clear in the...

Mr. Fields: I don't disagree.

Ms. Kirkman: So it needs to go back in the way it was. The Planning Commission voted on it.

Mr. Fields: I agree, I agree. So I believe the Planning Commission's vote was for the numbers and we certainly knew that acreage would change the outcome but not a reconceptualization of how the numbers were calculated. We may have been negligent about whether it belonged in the main body of the text or the appendix. That may have been different in people's perceptions. I do not think there is a difference in methodology. The whole point was we wanted apples to apples.

Mr. Rhodes: Mr. Chairman, so we are talking about the element that is at tab D, right now right? On A-30.

Mr. Fields: Tab D, Section D, page A-30.

Mr. Rhodes: Sorry, I got mixed up on my pages, I was...

Mr. Fields: No, I know there is a lot flying around here. We know that as the urban density... as the acreage changed there would be a difference in iterating the densities per acre but we were taking maximum densities by land use type.

Mr. Rhodes: Now is there... Mr. Chairman, for staff is there a standard format of methodology or is this just because this was the methodology that was used on the 2008 calculation?

Mr. Zuraf: Which one are you referring to?

Mr. Rhodes: For a maximum potential land use build-out is there a standard way to do that or are we just on the way we did it in 2008.

Mr. Zuraf: What was done in the previous iterations was the... based on the ten dwelling units per acre maximum potential under the maximum zoning category.

Mr. Rhodes: That is in place today.

Mr. Zuraf: That reflected the 58,000 dwelling units.

Ms. Kirkman: Mr. Zuraf, were any other changes made in the methodology, the numbers calculations? For instance, in the suburban area or the agricultural areas?

Mr. Zuraf: No.

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Ms. Kirkman: So the only area that was changed was the UDA?

Mr. Zuraf: Yes, well now there was changing because there were adjustments to the map, as I went over with...

Mr. Fields: Right.

Mr. Zuraf: ...the adjustments of adding...

Mr. Fields: Acreage.

Mr. Zuraf: Acreage.

Ms. Kirkman: Right.

Mr. Zuraf: So we had to rerun the whole model...

Ms. Kirkman: Right.

Mr. Zuraf: To get new numbers, but not methodology.

Ms. Kirkman: So we are clear what the vote of the Planning Commission was, because that discussion about the methodology was and explicit part of the motion because we even had discussion... I don't know if I made it a formal amendment but it was subject... the numbers would change subject to the acreage changing but not the methodology to calculate the numbers.

Mr. Fields: It was very clear in the discussion what we were referring to.

Ms. Kirkman: So that will be corrected?

Mr. Zuraf: Is that...

Mr. Fields: I think it has to be.

Mr. Harvey: If that is the pleasure of the Commission, certainly.

Mr. Fields: Well, I think it was the pleasure of the Commission.

Ms. Kirkman: I think we made it really clear.

Mr. Fields: The vote, the vote, the vote was the vote.

Mr. Zuraf: I just want to make sure that is the direction that we should go.

Ms. Kirkman: That was the vote of the Planning Commission, 6 to 1.

Mr. Rhodes: He was clarifying.

Mr. Zuraf: Right.

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Mr. Rhodes: Stop attacking him.

Mr. Fields: We want to make that change Mike.

Mr. Hirons: Mr. Zuraf, can you kind of give the guidance that you were given by the Committee?

Mr. Zuraf: It was that the... their understanding was that the land use build-out would reflect what is recommended in the plan under the UDAs of recommending 14,661 dwelling units.

Mr. Hirons: And as a member of that Committee that was my intention. And if I voted differently, I did not perhaps realize the intention of that motion, because I did not think it was that specific.

Mr. Fields: I think... well I think you know I think we're back to really what raised the dialogue on the thing anyway. You need... the numerical iteration of land use or zoning maps or anything is the only way that you can, absent massive assumptions, initial assumptions, come up with an apples to apples comparison.

Mr. Hirons: Apples to apples to what? What are the two apples?

Mr. Fields: Any two concepts, three or four or ten concepts of land use plans or zoning maps. The only way you can go generally have a sense of the magnitude in scale of what they are proposing is to iterate the build-out. Everybody knows there are a million factors that will affect that and then in your plan you also have your maximum number, this is what the possible is and then you go back through your plan like we are doing and you say this is our intention to have this many units in this type of category to have this kind of balance of space and types, housing types and stuff like that. Those are certainly ideas that you express to your Comp Plan and they have the force of the Comp Plan but they are not, if it is not a specific zoning if it is a recommendation it is still a recommendations. It is not in a concept in a plan and it has some force but it does not have the force that the actual by right zoning does. And so therefore you can't say that given the opportunity maybe everybody would be in agreement that one UDA... if someone comes in... circumstances change, you just don't know what happens. Somebody can come in, if that acreage allows for a higher density in the 14,661 if one of them... if a developer comes in with a brilliant plan that everybody sees as in the best interest of the County that exceeds that number, you would be, you would be remiss not to take the excessive number even though your plan suggested a smaller number. So when you put the maximums, you put where the absolute boundaries are. Now knowing that you will never get there but knowing that the possibilities of exceeding your recommendations have to exist. You have to accept that that is the reality of how the world works.

Mr. Hirons: With all that said I would make a motion to leave the number as it is in this table using the direction of the Committee and its intention to show what this Comprehensive Plan says with regards to the UDAs and retain that number, 14,661.

Ms. Kirkman: Mr. Chair, I am going to... well I have to...

Mr. Fields: We need a second. Will anybody second that motion?

Mrs. Hazard: I will second.

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Mr. Fields: Alright. Discussion. Mr. Hirons, you made the motion you have the first discussion. Do you have anything else to say on it?

Mr. Hirons: Again, this just gets back to the politics of the thing. There are forces that just want to make this look as possibly bad as it can and not completely making things up but using things in their favor and it is going against what the Comprehensive Plan actually says.

Mr. Fields: Any other discussion?

Ms. Kirkman: Yes, Mr. Chair, I am going to oppose the motion. The first reason I am going to oppose is it was very clear and explicit when the Planning Commission voted 6 to 1 at our last meeting. And that's why we agreed to title this the maximum potential land use build-out table. It is not the maximum, the sort of maximum but only for the suburban areas. Actually, I think the politics here is not to make it worse than it is but the politics here is to obscure and hide from the citizens of Stafford County the maximum potential impact of this plan on tax payers, the environment and the citizens and that is all that this is about. What we have seen is a reversal of the Planning Commission's 6 to 1 decision of two weeks ago by a Committee outside of the Planning Commission, outside of the televised process where what they are doing is everything they can to obscure this. They have moved the table to the appendix, they won't include the numbers in the main body and now they are even jiggering the numbers.

Mr. Rhodes: Point of order.

Mr. Fields: Alright.

Mr. Rhodes: Mr. Chairman?

Mr. Fields: Mr. Rhodes.

Mr. Rhodes: I have a comment and then I also have a question. I would like to do them... actually I would like to do the question first.

Mr. Fields: Okay.

Mr. Rhodes: If I might for staff, the Planning Director or staff. Just so I understand, did we have a maximum potential land use build-out table in the current valid Comprehensive Plan? Or I guess it's the Land Use Plan that we are calling the Comprehensive Plan.

Mr. Zuraf: Yes, yes we do.

Mr. Rhodes: We have one. And was it based on the same methodology at that point in time in 1988 or whenever it was, whatever the zoning was in place, taking the maximum density that is conceivably possible and multiplying by every parcel that existed?

Mr. Zuraf: No.

Mr. Rhodes: What is the methodology then?

Mr. Zuraf: The methodology was very basic in that it just took the land area...

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Mr. Rhodes: Averages?

Mr. Zuraf: Of the total area designated, say suburban residential and applied an average of like one and a half units per acre and then it disregarded how many units were existing and just gave you a future number.

Mr. Rhodes: So there is not a consistent methodology that we have used over time. We have used different ones but we have had a table kind of like this name but the two have been very different methodologies, what we are proposing in 2008 and what exists in the existing plan is what I am hearing.

Mr. Zuraf: Yes.

Mr. Rhodes: Okay thank you. Thank you for the indulgence Mr. Chairman.

Mr. Fields: No problem

Mr. Rhodes: My comment is simply we seem to have gotten ourselves in a bit of a hover over what the Committee has been doing, in the Committee in the past effort and the effort before that took their actions outside the view of the camera and worked up some recommendations. I understand the earlier comment about, I don't recall the letter but apparently there was a correspondence that said here is the plan, we are done or that was inferred at least. And so if that is the case we should figure out whether or not there should be any more inputs coming in from the Committee, but none the less either way I really...it is no different than what we have done in the past. Things have happened in a smaller group, they have not been televised, they have done their work, people have known when they have been meeting, people have been there to watch what they have been doing and like it or not they have seen that. And it is just part of the same process. I am just not, I am sorry I almost don't like the motion and the reason I did not second in the fact that it is almost like we are saying that is it we are done. And I don't see that and I don't see that with any of the other comments that have been incorporated in here. There were other considerations for us to take and then we make a determination on that. Nobody has taken away our authority to do that and that is what is kind of ridiculous about some of the comments tonight, and some of the discussion because it is like we have been controlled and precluded from being able to make our conscious decisions and our votes on this. We can change this anytime we want to it is our plan to send forward. And so to get all worked up over that is just ridiculous. Thank you Mr. Chairman.

Mr. Fields: You're welcome. Alright, any other discussion?

Ms. Kirkman: Mr. Chair, the primary difference between having served on the Comprehensive Plan Committee before, the primary difference between the process then and the process now is that the subcommittee passed a draft to the Planning Commission. The Planning Commission then made all changes to that draft. First they adopted the draft and they made subsequent changes through motions and amendments. All of that was done by the Planning Commission as a whole. We were never handed, after the draft was passed to the Planning Commission and adopted by the Planning Commission as the working document, we were never handed changes like moving things to the appendix and changing the numbers after the fact and told that is what it is going to be. That is the big difference.

Mr. Fields: Alright, any other discussion?

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Mr. Rhodes: Mr. Chairman, who told us that this is the way it is going to be? How is this controlling us and precluding us from making decisions? There are inputs, there are other studies ongoing because there are other dynamics at play. We had a closed session last time on some of those dynamics and because there are other dynamics at play there could be other inputs that would come in. I just think that is ridiculous.

Mr. Fields: Okay, let's move on. Alright, all those in favor of the motion signify by saying aye.

Mr. Hirons: Aye.

Mrs. Hazard: Aye.

Mr. Fields: All those opposed?

Ms. Kirkman: No.

Mr. Rhodes: No.

Mr. Fields: No. Motion fails 2 to 3. Alright, minimum/maximum densities for the UDAs, have we covered that yet?

Mr. Zuraf: That was a small point on page 3-18 of the final plan, there was additional language added in to clarify the policy that within the UDAs the minimum urban development area residential dwelling units recommended would also serve as a maximum. So it is kind of that fourteen six sixty one meets the minimum requirements but that would also serve as the maximum.

Mr. Fields: Okay, so we are just saying the minimum and maximum numbers are the same.

Mr. Zuraf: Yes.

Ms. Kirkman: Mr. Chair, I had a question and I think this may, Mr. Zuraf, you may want to pass this directly to the County Attorney. I am trying to understand what it means... so we have said that TND is the Zoning Ordinance that goes with the UDA. But we are saying that the minimum and the maximum density is four dwelling units per acre. But the TND allows transect zones of up to forty-eight dwelling units per acre. So could you explain how that works?

Mr. Zuraf: Well, that would be within specific areas that are designated for a... under a TND now I guess that zoning designation would not necessarily meet the full letter of the law under the UDAs because it has... there are certain density requirements established in the UDA of up to twelve units per acre. So I guess that...

Ms. Kirkman: That's right and the TND...

Mr. Zuraf: So you would likely need some revisions to either... either revisions to the current Ordinance and districts or the creation of new districts to comply and fit with what is being recommended in the UDAs.

Ms. Kirkman: Has there been discussion of creation of a new zoning district to fit the UDAs?

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Mr. Zuraf: Within the preamble of the UDA section there is discussion of form based codes but in just general principal but not in any specific... there have not been any detailed proposals or ideas thrown out yet.

Ms. Kirkman: Have there been any general ideas thrown out?

Mr. Zuraf: Nothing more than just that some ideas are going about through form based codes but nothing more.

Ms. Kirkman: Could I get some more information on those general ideas about the form based... is it anything more than what's...

Mr. Zuraf: Nothing more than what has been presented already to this group.

Ms. Kirkman: Okay. And then if somebody puts in a... so we've got a minimum density of four dwelling units per acre and a maximum density of four dwelling units per acre. If somebody puts in a rezoning application for a UDA that has three dwelling units per acre would it then need to be denied because it is inconsistent with what the comprehensive plan says?

Mr. Zuraf: Whether it gets denied or not that's I guess, up to the, you know the Board of Supervisors whether they would want to make that because of course the plan is a guide but it may not fully comply with the recommendations of the plan.

Ms. Kirkman: But isn't it a matter of complying with state law as well?

Mr. Zuraf: I don't know if state law necessarily... state law says that...

Ms. Kirkman: Four dwelling units per acre.

Mr. Zuraf: We have to establish a Comprehensive Plan that identifies these areas and I guess I would have to look at the state law a little bit more as to how much it gets into the full implementation and everything.

Ms. Kirkman: Doesn't it have floors and ceilings on the dwelling unit densities?

Mr. Zuraf: It is just a floor.

Ms. Kirkman: A floor?

Mr. Zuraf: Yes.

Ms. Kirkman: A minimum of four dwelling units per acre for single family?

Mr. Zuraf: Yes.

Ms. Kirkman: So then if it came in at three dwelling units per acre for a UDA it would be not compliant with the state legislation.

Mr. Zuraf: What is recommended in the state but...

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Ms. Kirkman: That is a mandate that is not a recommendation right?

Mr. Smith: Well it is a mandate...

Mr. Zuraf: It is a mandate that is in our Comp Plan and what we do after that... I guess I will have to look at the state code a little bit more to really see what the state code says once it gets to full implementation. It doesn't get into how the County evaluates a proposal, you know, the state code provision.

Ms. Kirkman: Okay, thank you.

Mr. Fields: So under this would that mean that certainly it is possible, but if someone came in with a TND project, the TND would not be in conformity with the UDA numbers because it would allow for much...

Mr. Zuraf: Much higher, right.

Mr. Fields: So that would mean our new urbanism zoning category is not applicable in our new urbanism areas?

Mr. Zuraf: As it...

Mr. Fields: As it's written.

Mr. Zuraf: As it is currently written.

Mr. Fields: You know, I am no... I don't have a degree in planning like Jeff and Mike do, but that seems to be a problem that we might want to address down the road if we are serious about new urbanism I guess we need to figure out what it is that we mean by new urbanism. If we have taken the suburban areas and made them all single-family three per acre and taken the UDAs and made them twelve, four and six that means the TND is not really in conformity with any single land use designation in this Comp Plan.

Mr. Zuraf: Yes.

Mr. Fields: Maybe business and industry, I don't know, that would be kind of a stretch wouldn't it?

Mr. Zuraf: I guess I am just thinking out... only unless it is worded somehow where the twelve units per acre is applied to the overall area and there might be some focused areas where you can have a higher density...

Mr. Fields: I see.

Mr. Zuraf: That level of detail has not...

Mr. Fields: I see.

Mr. Harvey: Also Mr. Chairman, our PTND Ordinance would comply if someone had a proposal that had single-family and townhomes within that project, but not if they proposed multi-family.

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Mr. Fields: Yes.

Mr. Harvey: Because of the disparity between the ten unit cap in the Ordinance versus the twelve unit cap in the plan.

Mr. Fields: Okay. Alrighty.

Mr. Harvey: The floor I should say, not the cap.

Mr. Fields: Yes. Anything else on this?

Mr. Zuraf: That is all.

Mr. Fields: We are running out of time here. The transportation plan.

Mr. Zuraf: Yes. The next point we... the major revision is kind of taking the transportation information that was previously in the back of Chapter 3 and also combining that with prior efforts that occurred through prior Transportation Committee work and grouping that into a new Chapter 4 called the Transportation Plan. And then what would occur as the current Transportation Plan would eventually be amended into transportation implementation plan where you would have more of the detailed results and recommendations from model...actual model runs that will occur soon after the plan gets adopted.

Mr. Fields: I have a question about the... Mr. Rhodes, correct me if I am wrong. Ms. Kirkman was on the Committee for a while and Mrs. Hazard is on it, the Transportation Committee. I thought that the last point that we made recommendation that we had taken the Berea Parkway concept off because the modeling had showed that was not a particularly effective highway. Is that right?

Mr. Rhodes: It certainly had one variation in there near the end of what we were doing. Now what we were doing... I don't know, what it became (inaudible).

Mr. Fields: I know, a lot... it's unfortunate; there's a lot of modeling in there. I don't see the... you know... but I know there has been renewed discussion about the Berea Parkway. Neither the Planning Commission or the Planning Commission Transportation Committee had that I know of has adopted a recent recommendation to include the Berea Parkway as part of our Transportation Plan.

Mr. Zuraf: The Berea Parkway in there was a result of some of the earlier work by the subcommittee.

Mr. Fields: By the subcommittee, okay.

Ms. Kirkman: That darn subcommittee.

Mr. Fields: That's...

Mr. Rhodes: I don't recall Mr. Chairman... I'm sorry Mr. Chairman.

Mr. Fields: No, no go ahead Mr. Rhodes.

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Mr. Rhodes: The only thing I don't recall is where we got to which did not have that in there. Did we get that formally adopted as... that's what I don't know. While we were developing some products, we never got anything of that necessarily formally adopted so the last, as I think I understood it, the last Transportation Plan or whatever it's called was that former earlier layout which had that old construct in it.

Mr. Fields: Right. Yes, okay. I would just offer that the modeling that we used for that certainly showed that the Berea Parkway, I don't know that was going to necessarily do harm but it certainly didn't in the modeling of the structures of the other projects we had involved didn't...

Mr. Rhodes: It was that the "S" Road had a better impact indirectly by pulling other traffic.

Mr. Fields: Right, the "S" Road was the one that came out I think the real winner in that modeling and that's not in here. The Berea Parkway is, so I would just offer that for what it's worth. I mean, I don't know what we want to do with it.

Ms. Kirkman: Mr. Chair, if in fact we actually have a choice other than what the subcommittee puts in this, if the modeling was done and the members of the Transportation Committee agreed that the "S" Road was better, then I would make a motion that that be put in and the Berea Parkway taken out.

Mr. Fields: Well, I would make a motion to put the "S" Road in.

Mr. Rhodes: Mr. Chairman, what I... well, if there's a motion on the table...

Mr. Fields: It's a little hard without people knowing what that is. I don't know that anybody knows what the "S" Road is.

Mr. Rhodes: I was going to say if we could pull... we've got two open motions on the table.

Mr. Fields: Yeah, sorry.

Ms. Kirkman: I can pull it, but just...

Mr. Rhodes: Yeah.

Ms. Kirkman: You guys did the work.

Mr. Rhodes: What I would suggest though is that we ask, and I know half of the people are gone and there's not enough people to do all the work we keep asking y'all to do, but if there was a way we could pull back that last product we got to and at least have a discussion on that that might give us some construct to consider what we do go forward with.

Mr. Fields: I agree. Do you guys know that... I probably have a copy of it, but do you recall where we were with that? It's been a while. We hadn't met over the summer so I know you've got a lot of water under the bridge, but...

Mr. Rhodes: It's a good year ago.

Mr. Harvey: My recollection was that was done with the 2008 development of the Comp Plan.

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Ms. Kirkman: Yep.

Mr. Rhodes: Yes somewhere in that window.

Mr. Harvey: At that point in time, the discussion was that the transportation element would be developed and go to public hearing closely after the adoption of the Comp Plan.

Mr. Fields: Right.

Mr. Harvey: But as things changed with the Comp Plan and things changed with staffing levels on transportation, that never really went forward. It didn't come to the Planning Commission for a formal vote.

Mr. Fields: No ,because we were still sort of tweaking things.

Ms. Kirkman: But the modeling was done on it.

Mr. Fields: Right.

Ms. Kirkman: And I also thought, you know, I'm looking at...

Mr. Fields: There's a copy of it somewhere.

Ms. Kirkman: I am looking at the anticipated transportation needs. And I thought we had actually adopted a plan that removed the outer connector in the eastern part... I thought we had actually adopted one that removed that, the connector through the eastern part, because I think again the modeling there did not support that connector.

Mr. Fields: This is... you know, the connector, the eastern or the northeast quadrant of the outer connector is a relic. Because you can see it was adopted 6/7/2005 with at least one descending vote, I can guarantee you that, on the Board of Supervisors, because I have hated that road ever since I've been living here.

Ms. Kirkman: But I think I am saying if we went through... I am not going to ask anybody to do this, but I think I remember some votes where the Planning Commission actually adopted...

Mr. Fields: And even the Board I think later on because it was out of the FAMPO thirty year constrain long range plan. It is like a lot of these roads it's now so ridiculously expensive and non-useful, a lot of those projects have been drifting away bit by bit, but I think technically it appeared as a line on a map on the 2005 plan but... yes, I would like to spin back as see if we have at least some versions that don't have that beltway. I think I still may have it sitting somewhere.

Ms. Kirkman: I have a box of modeling somewhere.

Mr. Fields: I've got some of it. Alright, so I think we would like to... I think I am hearing at least from a good chunk of the Commission that we would like to try to resurrect and we will do our part as Commissioners too and Committee members to see if we can resurrect some of that information. Because I do think it was germane, whether we decide collectively, unanimously or in a divided vote how to move forward, I think the thoughts that had occurred to that point are valid to the discussion

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here. I think without seeing that I am not sure that anybody can really make a good leap forward, so I appreciate that.

Mr. Rhodes: I do like the Chapter.

Mr. Fields: It is good to have the Chapter, absolutely. Alright.

Mr. Zuraf: We have incorporated a new school projection based on information provided to us by the School Board. Staff did adjust the student per dwelling unit type numbers that go into determining the cost of growth and the public facilities needs. And so we have incorporated that and made the adjustments to that information. The numbers were very...it was just a slight change. So didn't change it too much, but...

Ms. Kirkman: I did have a...

Mr. Fields: I am sorry, where is that in the appendix? Does somebody have a page number for me?

Ms. Kirkman: Marked copy please.

Mr. Fields: Marked copy, yes.

Mr. Fields: Did we... I think I saw at least some dialogue. Did we... was there a consensus... at least from the School Board or from the Committee or from everybody, from staff. Was there a somewhat downward revision for the cost of schools reflecting the modern... current economic climate?

Mr. Harvey: Mr. Chairman, in all the documentation regarding the cost of growth, those numbers were modified based on the revised cost estimates from all the applicable agencies for construction. So that reflects the deflation of construction costs through the recent last few years of economic change.

Mr. Fields: Okay. Oh I see, yes. Because we have got fifteen... page A-3 has fifteen two for elementary, twenty six two for middle and fifty five six for a high school. Is that correct?

Ms. Kirkman: I just... I wanted to... I have a question about the methodology and those student generation numbers. Because I think the new numbers were based on just one year of date. Is that correct Mr. Zuraf?

Mr. Zuraf: I may call up Joey to help out with this one.

Ms. Kirkman: The School Boards generation numbers, how many years of date were they based on?

Mr. Hess: the School Boards... what is that? What was the question?

Ms. Kirkman: So these new student generation numbers...

Mr. Hess: Right.

Ms. Kirkman: From the School Board...

Mr. Hess: Are you talking about the average students per dwelling type?

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Ms. Kirkman: Yes.

Mr. Hess: Yes.

Ms. Kirkman: How many years of data was that based on?

Mr. Hess: Actually that was the big question. They were... the numbers that were in there previously, the question was being asked where did that come from and I couldn't figure out where it came from exactly. It was something used by the Steering Committee back in 2006 I believe, 2007? Okay. And so what they did, they provided us up to date numbers. Was that a one year snapshot? Like more recently the housing dwelling units.

Mr. Harvey: I believe that was an '09 picture.

Mr. Hess: An '09 picture, yes.

Mr. Harvey: They do feel like they need to go back and try to do it cumulative...

Mr. Hess: Right.

Mr. Harvey: To get a better bead on it.

Mr. Hess: Right.

Ms. Kirkman: I was going to say I do statistical modeling and you usually don't use just one year's worth of data because of the fluctuations from year to year.

Mr. Hess: Right.

Ms. Kirkman: And particularly given that there has been some decline due to the economy. That is my concern about those. I do... I am glad to hear that they are going to go back and incorporate more years and do more of a rolling average.

Mr. Hess: Right, they are.

Ms. Kirkman: Okay.

Mr. Hess: Yes.

Ms. Kirkman: Thank you.

Mr. Hess: You are welcome.

Mr. Fields: Alright, underline the previous comments from VDOT have been incorporated. That probably speaks for itself pretty much, doesn't it?

Mr. Zuraf: The other change that was made from School Board comments was the pug facility projections that were also included back in and referenced in Chapter 4, but then also in the appendix is they've recommended we do a...adjust how we determine the number of future schools and base it

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on ninety five percent capacity of schools as opposed to one hundred per cent. Based on... they are stating that the... they would prefer that schools are more at a ninety five per cent capacity. There is a better...the learning experience is better. And there are benefits to not packing every school in. So they wanted us to adjust that. And so we did adjust the projections of number of schools for each type. So they will show an increase of each type based on the change in methodology that the School Board sent our way.

Mr. Fields: Okay.

Mr. Zuraf: And we incorporated VDOT comments on different projects that they've pointed out that we missed and little things. And all the little legal review issues.

Ms. Kirkman: Mr. Zuraf? VDOT had recommended some changes in terms of what we call suburban and agricultural residential. Have those changes been made?

Mr. Zuraf: That was supposed to be written into the text. I know Jeff can talk about that if it was in the chapter on transportation.

Ms. Kirkman: So that our land use designations are now consistent with what VDOT does?

Mr. Harvey: There are textural changes that acknowledge that differentiation.

Ms. Kirkman: But the changes weren't made.

Mr. Harvey: We did not change our Comp Plan to say that we're not having agricultural or rural development.

Ms. Kirkman: Okay. And has VDOT reviewed the new Chapter 4?

Mr. Zuraf: That has been provided to them.

Ms. Kirkman: We've not heard back.

Mr. Zuraf: I have not received comments back.

Ms. Kirkman: Okay, thank you.

Mr. Fields: Alright, any other questions on the VDOT portion? Alright, number ten. Legal review comments have been incorporated into the text of the document?

Mr. Zuraf: Yes, and I do have...there is another memo, but hopefully we will go quick. There are four or five more points. It is dated today, subject Comprehensive Plan dash additional information.

Mr. Fields: Got it.

Mr. Zuraf: First, under the suburban land use description on page 3-14, there was a sentence that was basically incomplete, and it needed to be completed. And that complete sentence is identified in the quotes with the underlining would complete that sentence. So it would state Suburban scale of development is considered single family detached dwelling units typically on quarter to half acre lots

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which may include community amenities and are buffered from any adjacent commercial development.

Mr. Fields: Here you go. Holly and I have been sharing all evening.

Mrs. Hazard: We have been sharing. But I need your glasses it's going to be bad.

Mr. Fields: I have another pair.

Mr. Zuraf: There were two transportation improvements that we missed. The first one, which we would recommend adding in to figure 4.3 on the map and table 4.2 which reference the proposed transportation improvements. The first one would be identifying the widening of Route 1 from Telegraph Road up to the Prince William County line to conform with the efforts of the Quantico Growth Management Committee and the needs that BRAC is going to bring in that area. The more immediate needs to Route 1 and the second project would be designating the HOT Lanes along Interstate 95 through the entire length of the County since this is kind of the proposed public/private partnership and I understand an agreement has already been approved with VDOT on that. Those would be two additions that we would recommend to add in. The third item is more clarification on page 3-47 to state that, and this is more of a staff point that was identified that in reading it, it I guess it is more so discussed within the urban development area sections and less so in the redevelopment RDA. So somebody reading it may not think that that is the idea that form based code would be used in the RDA, in the redevelopment areas as well. And so this is the suggestion to add an additional sentence in that area of the plan to state the use of form based codes as described in this chapter may assist in achieving the desired form of development that's under the RDA redevelopment area description in Chapter 3. And the last point would be an additional point of clarification to state how this plan is targeting the ten years of projected growth in the urban development areas. So then it would be additional language added to the sentence that is stated. Those would be the adjustments that staff would recommend be included in.

Mr. Fields: Alright. So we finished item number one?

Ms. Kirkmen: Mr. Chair I have a couple of questions.

Mr. Fields: Okay.

Ms. Kirkman: I wanted to get, and maybe it is in here but I could not find it. What I was trying to find somewhere in here is a summary of how many projected numbers of each type of dwelling unit there are. So if we are working off the table on, Table 3.3 the Land Use Map Growth Projections. This doesn't really divide out by dwelling unit type. And I am not asking to modify this but I think it would be helpful to see somewhere that of the additional units twenty thousand are single family home, thirty thousand are condos and fifteen thousand are multi-family units. Like what is the projected mix of growth I guess. And I didn't...is that in here anywhere?

Mr. Zuraf: No it is not, no.

Ms. Kirkman: I think that would be...I would suggest to my colleagues that would be a helpful number to have in here. Particularly as we are sort of benchmarking is the growth going the way we had planned for it to go.

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Mr. Fields: Alright.

Ms. Kirkman: And then if it's not too difficult and I think the number may be there they are just not summed up like what of that is in the urban dwelling areas. What of it is outside of the UDAs but inside the Urban Service Area and what's outside the Urban Service...I guess everything outside the Urban Service Area would be single family.

Mr. Zuraf: Yes.

Mr. Fields: Right.

Ms. Kirkman: But just to understand that the growth pattern of the mix of dwelling units I think will be a helpful and valuable addition as we are using this to benchmark against.

Mr. Fields: In terms of future growth, if the suburban area is all single family dwellings then you can get your townhomes and multi-family simply by taking the UDA recommendations and saying that is all of the future multi-family and townhomes that the plan recommends.

Ms. Kirkman: Except that we've got UDAs with nothing but single family homes in them. I mean that is part of why I am wondering where or what the mix is going to be...

Mr. Fields: We had a chart that had the UDAs broken down last time didn't we?

Mr. Zuraf: That is something that we've provided, it's just not in the document. Every UDA has some sort of mix...

Mr. Fields: Of the three types.

Mr. Zuraf: Well except for maybe one of them...

Ms. Kirkman: No.

Mr. Zuraf: There is none of them that have only single family detached.

Mr. Fields: Right.

Mr. Zuraf: They either have only multi-family or there is some mix.

Mr. Fields: The Brook one is just multi-family right?

Mr. Zuraf: That is mainly where the multi-family and townhomes are proposed.

Ms. Kirkman: Brook has just condos.

Mr. Fields: Right.

Ms. Kirkman: And then I had a question, I was glad to see it and it is marked page 658. The electric and gas lines and I was just wondering, where did this information come from in that map?

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Mr. Zuraf: In that map. That is a layer we have of known lines.

Ms. Kirkman: Where does that, like do you know what the original data source of that is?

Mrs. Bullington: I can look into that.

Ms. Kirkman: I am just like... as you are looking into it if you could see like if it's current.

Mr. Zuraf: Well, I know that we were trying to get more complete info but it was tough to kind of get an update to this. We do have to I guess look into where the source of this is. I believe there is more than what is even showing.

Ms. Kirkman: Yeah, because if this is a layer that just came with the GIS program, like a program when the County purchased it.

Mr. Zuraf: That definitely kind of has some sort of basis but I guess we do have to look back to see what the source is.

Ms. Kirkman: Yeah, that would be helpful. But I'm glad to see this in here, thanks.

Mr. Fields: Alright, any other comments, thoughts, questions?

Mr. Zuraf: You also did receive a revised Planning Commission Resolution to authorize a public hearing which the only change in this latest Resolution was clarifying Jeff's title. And it was just in that third "Whereas", just clarified Planning Director information.

Mr. Fields: Okay. So, we're looking for lots of information as we deliberate on this.

Mr. Zuraf: I do have to ask again for clarification. The build-out number; my understanding is we're...

Mr. Fields: Right now we're at the 58,000 number.

Mr. Zuraf: Fifty-eight thousand... because that motion... okay, I just wanted to clarify that.

Ms. Kirkman: Thank you for your patience.

Mr. Fields: Yeah, I know, you're a saint; a true saint. Okay.

Mr. Rhodes: And as far as we know right now, the Dr. Fuller information we think will be available Tuesday in theory right now for a presentation to the Board?

Mr. Harvey: That's what I understand, yes.

Mr. Fields: Will that be during the day session or the evening session?

Mr. Harvey: I believe that's during an afternoon work session.

Mr. Fields: Okay. Alright.

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Ms. Kirkman: If staff could get materials to this on that as they become available, that would be really helpful.

Mr. Harvey: Certainly.

Mr. Fields: Okay, well, we've moved everything else to the next thing so do we have a Planning Director's Report?

PLANNING DIRECTOR'S REPORT

14. Discussion of A-2 Signs. **(Time Limit: December 14, 2010)**

Mr. Harvey: Mr. Chairman, the only item I have is an issue that was acted on by the Board at its last meeting. And that's a discussion of signs in the A-2 District. The specific issue of concern is Holy Cross Academy. They requested to the County to be able to put up a free-standing sign. Under the A-2 zoning category there is no allowance for that. So the Board is presenting a text amendment for the Planning Commission to consider. Unfortunately, we inadvertently put an older version of the amendment in your packet. We have handed out tonight the corrected version. The difference is that the older version had specifying that the signs would be allowed for schools that have less than a thousand students. The corrected version says it has at least fifty students in grades K through 8. And what this does is it specifically creates a school sign as an allowable type of sign within the A-2 district and sets out standards for their school signs. And also the way the code is currently written, A-2 and R-1 signs are in the same section, so it splits them out separately because the Board was intent on limiting the potential scope of this ordinance amendment. The Board also asked that the Commission consider conducting its public hearing so the Board can take up its public hearing at the November 16th meeting. Therefore, staff's recommending that the Commission consider tonight recommending this for public hearing for your October 6th meeting in order to meet the Board's desires.

Mr. Fields: Okay. Is there anything else...?

Mr. Harvey: That concludes my report.

Mr. Fields: Alright. So that would require a motion to send this to public hearing.

Mr. Harvey: Yes sir.

Mr. Fields: The private school sign you're talking about?

Mr. Harvey: Yes sir.

Mr. Fields: Okay.

Ms. Kirkman: Mr. Chair, I'm reluctant at 11:15 at night to make that since we've had no discussion about this Ordinance, particularly given all the problems we've had with definitions of schools in the County.

Mr. Fields: Yeah, there's a point well taken. Let's see if we can take it up next meeting and then move it forward. I understand and appreciate the Board's consideration but I think we need at least

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one shot at it to make sure that we know what we're looking at. So, motion to defer to the next meeting?

Ms. Kirkman: So made.

Mr. Fields: Moved by Ms. Kirkman; is there a second?

Mr. Hirons: Second.

Mr. Fields: Second by Mr. Hirons. Any discussion? All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Fields: Aye. Opposed? The motion carries 5 to 0 with 2 absent. Five to two... I know that Gordon and Ken would have voted against that, so you can just write that down in the minutes. Alright, does that conclude your report?

Mr. Harvey: Yes sir.

COUNTY ATTORNEY'S REPORT

Mr. Fields: Okay. County Attorney's Report?

Mr. Smith: No report Mr. Chairman.

COMMITTEE REPORTS

Mr. Fields: Alright. Committee Reports? Chairman's Report. This is the second time I've been Chairman. Gordon's going to be sorry; I'm getting used to this again.

Mr. Rhodes: The Secretary reports that he's not here.

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

August 18, 2010

Mr. Fields: Okay, we have approval of minutes, August 18th minutes? Motion for approval?

Mr. Rhodes: So moved.

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Mr. Fields: Okay, second?

Mrs. Hazard: Second.

Ms. Kirkman: I'm going to abstain from the vote. I was too busy trying to figure out what the changes were in the Comp Plan. I didn't know we were getting the marked copy coming so I was focused on that.

Mr. Fields: Okay.

Mr. Hirons: And Mr. Chairman, I have to abstain as well. I wasn't at that meeting and I haven't had time to review the audio.

Mr. Fields: Alright. Okay. Two abstentions noted. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye. Opposed? The motion carries 3 with 4 abstentions.

Ms. Kirkman: Three-zero-two-two.

Mr. Fields: Three-zero-two-two. With that I think we've come to the conclusion of this evening's festivities. Thank you all very much; it's tough work. I appreciate everybody's energy and thoughts. Thank you.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 11:17 p.m.

Gordon Howard, Chairman
Planning Commission